

Rules under the Workmen's Compensation Ordinance 1931-1938.

I, ROBERT GORDON MENZIES, the Attorney-General of the Commonwealth, in pursuance of the powers conferred upon me by the *Workmen's Compensation Ordinance* 1931-1938, hereby make the following Rules under the said Ordinance.

Dated this thirteenth day of October, 1938.

ROBERT G. MENZIES
Attorney-General.

WORKMEN'S COMPENSATION RULES.

PART I.—PRELIMINARY.

- Short title. 1. These Rules may be cited as the *Workmen's Compensation Rules*.
- Commencement. 2. These Rules shall commence on the first day of January, 1939.
- Parts. 3. These Rules are divided into Parts, as follows:—
Part I.—Preliminary.
Part II.—Arbitration Proceedings.
Division 1.—Applications for Arbitration.
Division 2.—Proceedings in Arbitration before the Court.
Division 3.—Industrial Diseases.
Division 4.—Appointment of New Arbitrators.
Division 5.—Registration, Reference and Removal of Memoranda and Agreements.
Division 6.—Payment and Investment of Moneys and Suspension of Payments.
Part III.—Costs and Fees.
Part IV.—Enforcement of Awards and Agreements.
Part V.—Appeals and Questions of Law.
Part VI.—Medical Referees.
Part VII.—Miscellaneous.
- Repeal. 4. The *Workmen's Compensation Rules* made on the thirteenth day of May, 1935, are repealed.
- Definitions. 5.—(1.) In these Rules, unless the contrary intention appears—
“committee” means a committee representative of an employer and his workmen with power to settle matters under the Ordinance in the case of the employer and his workmen;
“medical attendance” means medical and surgical treatment;
“medical referee” means a legally qualified medical practitioner appointed by the Minister to be a medical referee for the purposes of the Ordinance;
“principal” has the same meaning as in section eleven of the Ordinance;
“solicitor” includes any of the persons mentioned in Rule 79 who may by leave of the Court appear on behalf of any party;
“special register” means the special register referred to in Rule 87;
“the Clerk” means the person acting as Clerk of the Court;
“the Court” means the Court of Petty Sessions;
“the Ordinance” means the *Workmen's Compensation Ordinance* 1931 and includes that Ordinance as amended from time to time.
(2.) Any reference to a Form shall be read as a reference to a Form in the Schedule to these Rules.

6. These Rules shall apply to proceedings taken in all cases (including pending cases) where the accident happened after the commencement of the Ordinance. Application of Rules.

PART II.—ARBITRATION PROCEEDINGS.

Division 1.—Applications for Arbitration.

7.—(1.) Where an application is made for the settlement by the Court of any matter which under the Ordinance is to be settled by arbitration, the party making the application shall be called “the applicant,” and, subject to these Rules, all other persons, whose presence at the arbitration may be necessary to enable the Court effectively and completely to adjudicate and settle all the questions involved, shall be made parties to the application, and shall be called “the respondents.” Parties to proceedings.

(2.) In any case in which both the principal and a contractor with him or two or more principals or employers are alleged to be liable to pay compensation under the Ordinance, whether jointly, severally, or in the alternative, they may be joined as respondents.

8.—(1.) An application on behalf of the dependants of a deceased workman for the settlement by arbitration of the amount payable as compensation to such dependants may be made by the legal personal representative, if any, of the deceased workman on behalf of such dependants, or by the dependants themselves, and in either case the particulars to be filed as required by these Rules shall contain particulars as to the dependants on whose behalf the application is made. Application by dependants.

(2.) Where there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of such dependants, the other dependants in either case being named as respondents.

(3.) For the purposes of this Rule, the term “dependants” includes persons who claim, or may be entitled to claim, to be dependants, but as to whose claim to rank as dependants any question arises.

(4.) An application for the determination of the amount payable as compensation shall contain particulars as to the dependent persons in respect of whom compensation is claimed.

9.—(1.) In any case in which the amount payable as compensation to the dependants of a deceased workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the settlement of the question by arbitration may be made either by the legal personal representative, if any, of the deceased workman on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a question arises; or the application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants. Application by dependants where amount of compensation agreed or ascertained.

(2.) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(3.) The employer, if made a respondent, may pay the amount of compensation in his hands into Court, to be dealt with as the Court directs, and thereupon further proceedings against him shall be stayed.

(4.) The Clerk shall, as soon as practicable after the time of payment made pursuant to the last preceding sub-Rule, send notice thereof to the applicant and to the other respondents (if any), and the employer shall not be liable to any costs otherwise than in accordance with paragraph (c) of sub-Rule (6.) of Rule 21.

10.—(1.) An application for the settlement by arbitration of the compensation payable in respect of the expenses of medical attendance on and the burial of a deceased workman who leaves no dependants shall be made by the legal personal representative, if any, of the deceased workman. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. Parties in proceedings respecting determination of sums payable for medical attendance and burial of no dependants.

In the latter case any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

(2.) In any case in which application is made for the settlement by arbitration of such compensation, the compensation awarded, if insufficient for the payment of such expenses in full, shall be apportioned between the persons to whom the expenses are due in such manner as the Court directs.

Parties under disability.

11. The provisions of the Court of Petty Sessions Rules as to persons under disability shall, with the necessary modifications, apply to proceedings by way of arbitration under the Ordinance:

Provided that the Court may at any time direct that an infant shall appear either as applicant or respondent in the same manner as if he were of full age.

Request for arbitration.

12.—(1.) An application for the settlement of any matter by arbitration shall not be made unless and until some question has arisen between the parties and the question has not been settled by agreement. Where any question has arisen and has not been settled by agreement, an application for the settlement of the matter by arbitration shall be made by the applicant filing with the Clerk a request for the arbitration intitled in the matter of the Ordinance and in the matter of the arbitration, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register.

(2.) Particulars shall be appended or annexed to the request containing—

- (a) a concise statement of the circumstances under which the application is made, and the relief or order which the applicant claims;
- (b) the date of service of notice of the accident on the employer, or, if such notice has not been served, the reason for such omission; and
- (c) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Forms of request and particulars.

13.—(1.) The request and particulars shall be in accordance with such one of the Forms numbered 1 to 7 (inclusive) as is applicable to the case, with such modifications as the nature of the case requires.

(2.) A copy of the notice of the accident shall be appended or annexed to the particulars. If this rule cannot be complied with, the reason for the omission shall be stated in the particulars.

Application by employer.

14.—(1.) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by arbitration, he shall file a request for arbitration in accordance with Rule 12, to which the workman, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased workman, or the other persons (as the case may be) on whose behalf the claim is made, shall be respondents.

(2.) Particulars shall be appended or annexed to the request containing—

- (a) a concise statement of the circumstances under which the application is made;
- (b) a statement whether the applicant admits his liability to pay compensation, or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability;
- (c) a statement of the matters which the applicant desires to have settled by arbitration; and
- (d) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Copies for Court and respondents.

15. The applicant shall deliver to the Clerk with the request and particulars a copy thereof for the use of the Court, and a copy for each respondent to be served.

Where applicant is illiterate, and has no solicitor.

16. Where any party to any proceeding is illiterate or unable to fill up any form required to be used, it shall be filled up by the Clerk.

Division 2.—Proceedings in Arbitration before the Court.

17. On the filing of a request for arbitration, the Clerk shall, as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration. Such day shall, subject to the provisions of Rule 30, be so fixed as to allow the copies of the request and particulars to be served on the respondents at least fourteen clear days before the day so fixed. Fixing day for hearing.

18.—(1.) On the day for proceeding with an arbitration being fixed, the Clerk shall give or send by post notice, in accordance with Form 8, to the applicant, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and shall issue the copies of the request and particulars for service on the respondents, together with notices in accordance with Form 9, stating the place at which, the day and hour on and at which the arbitration will be proceeded with, and that if the respondents do not attend in person or by their solicitors at the appointed time and place such order will be made and proceedings taken as the Court thinks just and expedient. Notice to parties of day fixed.

(2.) Where the request is filed by an employer, the notice to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

19.—(1.) The copies and notices mentioned in the last preceding Rule shall, subject to the provisions of Rule 30, be served on the respondents at least fourteen clear days before the day fixed for proceeding with the arbitration. Service on respondents.

(2.) The copies and notices mentioned in the last preceding Rule may be served by a bailiff of the Court or by the applicant or any competent person employed by him.

(3.) Service may be in accordance with the provisions of sub-sections (3.) and (4.) of section 9 of the Ordinance with reference to service of notice in respect of an injury, and the provisions of those sub-sections shall apply to such service.

(4.) The applicant shall (unless the respondent files an answer) file with the Clerk an affidavit of the service of the documents, in accordance with Form 10, with such variations as the circumstances of the case require.

(5.) Where an affidavit of service is not so filed before the day appointed for proceeding with the arbitration, the request for arbitration shall be struck out, but may be restored for hearing on such terms as the Court orders.

(6.) Where the documents are served by post, they shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing them would have been delivered in the ordinary course of post, and in proving the service of the documents it shall be sufficient to prove that they were properly addressed and registered.

20.—(1.) If any respondent desires to disclaim any interest in the subject-matter of an arbitration, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the Court, or intends to rely on the fact that notice of the accident or of death, disablement or suspension was not given as required by the Ordinance, or that the claim for compensation was not made within the time limited by the Ordinance, or intends to deny (wholly or partially) his liability to pay compensation under the Ordinance, he shall, seven clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 30, then within the time fixed by the order, file with the Clerk an answer in accordance with Form 11, stating his name and address, and the name and address of his solicitor (if any), and stating that he disclaims any interest in the subject-matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the Court, or on which he intends to rely, or the grounds on and extent to which he denies liability. Answer by respondent.

(2.) The respondent shall with such answer file one copy thereof for the applicant and one copy for the Court, and one copy for each of the other respondents; and the Clerk shall as soon as practicable after receiving the copies transmit them by post to the applicant and the other respondents respectively.

(3.) Subject to any answer so filed, the applicant's particulars, and, in the case of a claim for compensation, the liability to pay compensation under the Ordinance shall be taken to be admitted:

Provided that in case of non-compliance with this Rule, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself of any matter of which he should pursuant to this Rule have given notice by filing an answer, the Court may, on such terms as it thinks fit, either proceed with the arbitration and allow the respondent to avail himself of such matter, or adjourn the arbitration to enable the respondent to file the answer.

(4.) The provisions of this Rule shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

Submission to
award
or payment
into Court
by respondent.

21.—(1.) A respondent who admits liability may at any time before the day fixed for proceeding with the arbitration—

(a) where the application is made by an injured workman—

(i) file with the Clerk a notice in accordance with Form 12 that he submits to an award for the payment of a weekly sum, to be specified in the notice; or

(ii) file with the Clerk a notice in accordance with Form 12 that he submits to an award for the payment of a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case, and pay such sum into Court; or

(b) where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the compensation payable in respect of the expenses of medical attendance on and the burial of a deceased workman who leaves no dependants—

file with the Clerk a notice in accordance with Form 12 that he admits liability, and pay into Court such sum of money as he considers sufficient to cover his liability in the circumstances of the case.

In every such case, the respondent shall file as many copies of the notice as there are parties to whom notice of submission to an award or of payment into Court is to be sent.

(2.) A respondent who denies liability may at any time before the day fixed for proceeding with the arbitration file a notice, in accordance with Form 12, of submission to an award or pay money into Court in accordance with this Rule, accompanied by a notice stating his name and address, and further stating that notwithstanding such submission or payment he denies his liability, together with as many copies of the notice as there are parties to whom notice of submission or payment is to be sent.

(3.) The Clerk shall, as soon as practicable after the time of any notice filed or payment made pursuant to either of the two last-preceding sub-Rules, send notice thereof in accordance with Form 13 or 14, as the case requires (with a copy of the notice filed by the respondent), to the applicant, and to the other respondents (if any).

(4.) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment or the lump sum specified in the respondent's notice, he shall, within such reasonable time before the day fixed for proceeding with the arbitration as the time of filing of notice of submission by the respondent permits, send to the Clerk and to the respondent by post, or leave at the office of the Clerk and at the residence or place of business of the respondent, a written notice in accordance with Form 15, stating such acceptance.

(5.) If the application for arbitration is made on behalf of the dependants of a deceased workman, or for the settlement of the compensation payable in respect of the expenses of medical attendance and burial, and the applicant is willing to accept the sum paid into Court in satisfaction of the compensation payable to the dependants, or in respect of such expenses (as the case may be), he shall, within such reasonable time before the day fixed for proceeding with the arbitration as the time of payment into Court by the respondent permits, send to the Clerk and to the respondent by post, or leave at the office of the Clerk and at the residence or place of business of the respondent, a written notice of such willingness, in accordance with Form 15.

If there are any other respondents, the applicant shall in like manner give notice of such willingness to those respondents; and if any of those respondents are willing to accept the sum paid into Court in satisfaction of such compensation, they shall in like manner give notice of such willingness to the Clerk and to the applicant and the other respondents.

(6.) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment submitted to or the lump sum paid into Court by the respondent, or if in any other case the applicant and all the respondents give notice of their willingness to accept the sum paid into Court, the following provisions shall apply:—

- (a) Where the applicant is a workman and accepts the weekly payment submitted to or the lump sum paid into Court by the respondent, the Court may, on application made forthwith, make an award directing payment of the weekly sum accordingly, or directing payment of the lump sum to or applying it for the benefit of the workman;
- (b) Where in the case of death the respondent has paid money into Court, further proceedings against such respondent shall be stayed, except as hereinafter mentioned, and
 - (i) if the applicant and the other respondents agree as to the apportionment and application of the money, the Court may, on application made on behalf of or with the consent of all such parties, forthwith make an award for such apportionment and application;
 - (ii) in any other case the arbitration may proceed as between the applicant and the other respondents;
- (c) In any such case the Court may, at its discretion, by its award order the respondent filing notice of submission to an award or paying money into Court to pay such costs as the applicant and the other respondents, or any of them, may have properly incurred before the receipt of notice of such submission or payment, and his or their costs properly incurred in relation to the notice of such submission or payment and to the notice of acceptance, including, if the Court on consideration of the facts of the case orders, any items which might have been allowed by order of the Court at the hearing of the arbitration;
- (d) If the applicant or any respondent intends to apply for any such costs, he shall give notice of his intention in his notice of acceptance, in accordance with Form 15; or where the time of filing notice of submission to an award or the time of payment into Court by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for such costs without giving such notice.

(7.) Where any party has not given notice of acceptance in accordance with this Rule, he may nevertheless accept the weekly payment which the respondent has submitted to pay, or the sum paid into Court, at any time before the arbitration is called on and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission or the date of payment into Court, and which may be allowed by the Court; and the Court may order any costs so allowed to be paid by the party so accepting, and may order the costs to be set off against any costs payable to that party or to be deducted from any weekly payment or compensation awarded to that party.

(8.) In default of notice of acceptance by the applicant and all the respondents, the arbitration may proceed; but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into Court, the respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly payment offered or sum paid into Court had been accepted; and the Court may order any costs incurred by that respondent after notice of submission to an award or payment into Court to be paid by any party who has not given notice of acceptance of such weekly payment or sum, and may order the costs to be set off against any costs payable to that party or to be deducted from any weekly payment or compensation awarded to that party. The Court may also order any costs incurred after notice of payment into Court by any party who has given notice of acceptance to be paid by any other party who has not given such notice and to be deducted from any compensation awarded to such last-mentioned party.

(9.) The provisions of this Rule shall, with the necessary modifications, apply to a case in which an employer has filed a request for arbitration.

Claims to indemnity under section 11.

22. Where a respondent claims to be entitled under section 11 of the Ordinance to indemnity against any person not a party to the arbitration, he shall, seven clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 30, then within the time fixed by the order, file a notice of his claim in accordance with Form 16; and the Clerk shall deliver the notice to the respondent, who shall serve it, together with a copy of the applicant's request and particulars, and of the notice served on the respondent under Rules 18 and 19, upon the person against whom the claim is made, and the provisions of sub-Rules (2.) to (6.) of Rule 19 shall apply to such service.

Appearance by third party.

23. If any person served with a notice under the last-preceding Rule (in these Rules, other than in Rule 27, referred to "the third party") desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, or his own liability to the respondent, he shall appear before the Court on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the Clerk that the arbitration has been adjourned or postponed; and, in default of his so doing, he shall be deemed to admit the validity of any award made against the respondent as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether the award is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent:

Provided that, if it appears to the Court, before or at the arbitration, that the notice of claim has not been served on the third party in time to enable him to appear on the day so fixed or notified, or that for any other sufficient cause the third party is unable to appear on such day, the Court may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as it thinks just.

Proceedings on default of appearance by third party.

24. If the third party fails to appear on the day mentioned in Rule 23, or, if the proceedings are adjourned under that Rule, on the day to which the proceedings are adjourned, then, if the arbitration results in an award in favour of the applicant or the arbitration is finally decided in favour of the applicant otherwise than by an award, the Court may, on the application of the respondent, make such award as the nature of the case requires in favour of the respondent against the third party; but execution thereof shall not issue without leave of the Court until after satisfaction by the respondent of the award against him, or the amount recovered against him:

Provided that the Court may set aside or vary any award made against the third party under this Rule upon such terms as it thinks just.

Applications for directions.

25. The third party or the respondent may apply either before or at the arbitration to the Court for directions; and the Court, upon the hearing of the application, may, if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent giving the notice to be determined at or after the arbitration, and if not so satisfied may make such award as the nature of the case requires in favour of the respondent giving the notice against the third party, or the Court may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as it thinks just, or to appear at the arbitration and take such part therein as it thinks just, and generally may give such directions as it thinks proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the award in the arbitration.

Costs as between third parties and other parties.

26. The Court may decide all questions of costs as between a third party and the other parties to the arbitration, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case requires.

Claims to indemnity under section 12, or otherwise than under section 11.

27.—(1.) Where a respondent claims that if compensation is recovered against him he will be entitled under section 12 of the Ordinance, or otherwise than under section 11, to indemnity against any person not a party to the arbitration, he may, if he desires that such person shall be bound by the proceedings in the arbitration to the extent in this Rule provided, file and serve a notice of his claim in accordance with Rule 22.

(2.) If any person served with a notice under the last preceding sub-Rule (in this Rule referred to as "the third party") desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, he shall appear before the Court on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the Clerk that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against the respondent as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether the award is made by consent or otherwise:

Provided that, if it appears to the Court before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day so fixed or notified, or that for any other sufficient cause the third party is unable to appear on that day, the Court may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as may be just.

(3.) The third party or the respondent may apply before or at the arbitration to the Court for directions; and the Court, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as it thinks proper.

(4.) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 26 as to costs shall apply.

(5.) Nothing in this Rule shall empower the Court to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any award in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and the third party to dispute the validity of the award as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent:

Provided that, with the consent of the respondent and the third party—

(a) if the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his liability to indemnify the respondent, the Court may, on application made to it at or after the hearing of the arbitration or the final decision thereof, make such an award as the nature of the case requires in favour of the respondent against the third party; but execution thereon shall not issue without leave of the Court until after satisfaction by the respondent of the award against him, or the amount recovered against him; or

(b) the Court may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case requires in favour of either party against the other.

(6.) In any case referred to in paragraph (a) or (b) of the proviso to the last preceding sub-Rule, the Court may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to the costs as the justice of the case requires.

28. The provisions of Rules 22 to 27 of these Rules shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

Third party procedure where employer is applicant.

29.—(1.) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against such other respondent if such last-mentioned respondent were a third party.

Claim to indemnity as between respondents.

(2.) Nothing contained in this Rule shall prejudice the rights of the applicant against any respondent.

Abridgment
of time for
service, &c.

30. The Court or the Clerk may for good cause shown abridge the time for service of a request for arbitration on any respondent, or the time for filing an answer or serving a third party notice under these Rules; and if an order is made to that effect a copy of the order shall be annexed to and served with the notice to be served on the respondent.

Procedure on
arbitration.

31.—(1.) Subject to the special provisions of these Rules and any special direction of the Court, the procedure in an arbitration shall conform as nearly as may be to the hearing of a complaint in the Court.

(2.) The burden of proof of any fact which is not admitted shall be the same whoever the party may be by whom the request for arbitration is filed.

Awards and
orders.

32.—(1.) The award of the Court on any arbitration shall be in accordance with Form 17 and prepared and settled by the Clerk, and shall be signed by the Magistrate, and shall be filed and shall be enforceable in the same manner as a judgment or order of the Court.

(2.) The Clerk shall notify the parties concerned, in accordance with Form 18, of the day upon which the award is to be settled.

(3.) The Court shall have power at any time to correct any clerical mistake or error in the award arising from any accidental slip or omission.

(4.) The Clerk shall, upon application being made in accordance with Form 19 by any person or by the solicitor of any person in whose favour an award or order has been entered up or made, issue and deliver to such person or solicitor a certificate thereof in accordance with Form 20.

Division 3.—Industrial Diseases.

Application of
Ordinance and
Rules to cases
of industrial
disease.

33. In the application of the Ordinance and these Rules to the case of a workman disabled by or suspended on account of his having contracted any disease specified in the Fourth Schedule to the Ordinance, or in the case of a workman whose death has been caused by any such disease, the following provisions shall apply:—

(a) The notice required by section 9 of the Ordinance shall state the date and cause of the disablement or suspension; and where a certificate of disablement or a certificate of or relating to suspension has been given, a copy thereof shall on demand be furnished to the employer;

(b) A request for arbitration shall, with any necessary modifications, be in accordance with Form 6 or 7, as the case requires;

(c) If the employer desires to add any other employer as a party to the arbitration pursuant to proviso (2) to paragraph (iii) of sub-section (1.) of section 13 of the Ordinance, he shall file with the Clerk in duplicate a notice in accordance with Form 21; and thereupon the Clerk shall make an order in accordance with Form 22 adding such other employer as a respondent, and may if necessary adjourn the hearing of the arbitration for such time as may be necessary to enable the other employer to be duly served;

(d) Where a respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added, and of the order and a notice in accordance with Form 23 shall be sent by post to the applicant and the original respondent; and the like copies, together with a copy of the applicant's request and particulars, and of the notice served on the original respondent under Rules 18 and 19, and a notice in accordance with Form 24 as to the place at which and the day and hour on and at which the arbitration will be proceeded with, shall be issued by the Clerk for service on the added respondent, and the copies and notices shall be served on the added respondent in accordance with Rule 19, with the substitution of the original respondent for the applicant;

(e) The provisions of these Rules as to respondents shall apply to the added respondent from the date of service on him as if he had been originally made a respondent;

- (f) At the hearing of the arbitration, the Court shall decide all questions as between the applicant and the original and added respondents, and may make such an award as is necessary effectively and completely to adjudicate upon and settle all the questions involved in the arbitration, and may make such order as to costs as between the applicant and the respondents, and as between the respondents themselves, as it thinks just;
- (g) Where the employer claims under paragraph (3) of the proviso to paragraph (iii) of sub-section (1.) of section 13 of the Ordinance to be entitled to contribution from any other employer, he may, by notice in accordance with Form 16, bring in such other employer as a third party in accordance with Rules 22 to 26 (both inclusive), 28 and 29; and the provisions of those Rules shall, with the necessary modifications, apply to any such claim to contribution in like manner as they apply to claims to indemnity.

Division 4.—Appointment of New Arbitrators.

34.—(1.) In case of the death or refusal or inability to act of an arbitrator, any party to the arbitration who desires to make an application to the Court to appoint a new arbitrator shall apply to the Clerk in accordance with Form 25 to fix a time and place for the hearing of the application. Appointment of new arbitrators.

(2.) The Clerk shall fix the hearing of the application before the Court for any sitting thereof appointed to be held within fourteen days from the date of the application to the Clerk, but so that he shall not, except by consent, fix the hearing for a day less than seven days from the date of the application.

(3.) On the time and place for the hearing of the application being fixed, the Clerk shall issue to the applicant a summons in accordance with Form 26, addressed to the other party to the arbitration; and requiring him to attend on the hearing of the application.

(4.) The summons shall be served by the applicant on the other party in accordance with Rule 19 of these Rules not less than four clear days before the day fixed for the hearing, unless that party agrees to accept shorter service.

(5.) On the day fixed for the hearing, the Court shall dispose of the application on hearing the parties, or on hearing the applicant and on proof of service of the summons on the other party, if such other party does not appear.

(6.) Before appointing any person to act as arbitrator, the Court shall ascertain whether such person is willing to act if appointed.

(7.) The appointment may be made by indorsement on the summons, or by a separate order.

(8.) The costs of the application shall be in the discretion of the Court, which may order the same to be paid by one party to the other, or to be dealt with as costs attending the arbitration, and any costs so allowed shall be taxed by the Clerk in the prescribed manner.

Division 5.—Registration, Reference and Removal of Memoranda and Agreements.

35.—(1.) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is by paragraph 8 of the Second Schedule to the Ordinance required to be sent to the Clerk, shall be in accordance with Form 27, and shall be left at the office of the Clerk, or sent by post by registered letter addressed to the Clerk at his office, as soon as may be after the matter has been decided. Recording of memorandum of agreement, &c.

(2.) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph 13 of the Second Schedule to the Ordinance, a copy of the report of the referee shall be annexed to the memorandum and recorded therewith; and if the referee attended any proceeding in the arbitration it shall be so stated in the memorandum.

(3.) In the case of an agreement as to any matter referred to in sub-Rule (1.) of Rule 44, a separate statement as required by that sub-Rule shall be prepared in accordance with Form 28 and shall be left or sent with the memorandum of the agreement.

Authentication
of
memorandum
of decision of
committee or
arbitrator or
memorandum
of agreement.

36.—(1.) If the matter is decided by a committee or an arbitrator, the memorandum shall be authenticated by the signatures of the chairman and secretary to the committee, or by the signature of the arbitrator, and it shall be the duty of the committee or arbitrator, as soon as may be after the decision, to draw up and sign the memorandum or cause it to be signed as required by this Rule, and to leave or send it as required by the last preceding Rule, or to deliver it to some party interested, to be by him so left or sent.

(2.) If the matter is decided by agreement, the memorandum shall be authenticated by the signatures or signature of the parties to the agreement or one of them, or, in the case of employers, by the signature of some official or other person in their employ duly authorized to sign on their behalf, or of an agent duly authorized to sign on their behalf, or, in the case of persons under disability, by the signature of their next friend on their behalf.

(3.) A memorandum of an agreement may be left with or sent to the Clerk by insurers on behalf of the parties interested.

(4.) There shall be left or sent with the memorandum a copy thereof for every party interested.

(5.) Where the matter is decided by agreement, the Clerk may, if the original agreement is in writing, and is not left or sent to be recorded, require the original agreement to be produced; but he shall not be entitled to retain the original agreement where a memorandum thereof is left or sent to be recorded.

(6.) An agreement made by or on behalf of any person under any legal disability shall be conditional only unless and until a memorandum thereof has been recorded in accordance with the Ordinance and these Rules.

Notice to
parties
interested of
memorandum
having been
received.

37. On the receipt of the memorandum and copies, the Clerk shall send one of the copies to every party interested, with a notice in accordance with Form 29, requesting such party to inform him within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, and, if so, on what grounds.

Recording of
memorandum,
if genuineness
not disputed.

38. If all the parties interested admit the genuineness of the memorandum, or if none of such parties within such period of seven days disputes its genuineness pursuant to Rule 39, and the employer does not object to its being recorded pursuant to that Rule, the Clerk shall, subject to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance, and to Rules 42 and 44, record the memorandum without further proof.

Where
genuineness
disputed
or objection
made to
memorandum
being recorded.

39. If any party interested disputes the genuineness of the memorandum by alleging, in particular, in the case of a memorandum of an agreement that no such agreement has in fact been entered into, or that the terms of the agreement are not correctly stated in the memorandum, or that the agreement is no longer subsisting or enforceable, or that it is not enforceable by reason of its having been entered into under a mutual mistake, or obtained by fraud or undue influence or other improper means, or if, in any case where a workman seeks to record a memorandum of an agreement between his employer and himself, the employer alleges 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 party so disputing or the employer so objecting shall within seven days from the date of the notice mentioned in Rule 37 file with the Clerk a notice in accordance with Form 30, stating the grounds on which he disputes the genuineness of the memorandum or objects to its being recorded, and shall with the notice file a copy thereof for each of the other parties interested.

Notice of
dispute or
objection.

40. On the receipt of any notice referred to in the last preceding Rule, the Clerk shall send a copy thereof to each of the other parties interested, together with a notice in accordance with Form 31, informing such party that the memorandum will not be recorded except with the consent in writing of the party disputing the genuineness thereof, or the employer objecting to the recording thereof, or by order of the Court.

Subsequent
proceedings.

41.—(1.) If the consent mentioned in the last preceding Rule is obtained, the Clerk shall, subject to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance, and to Rule 44, record the memorandum without further proof.

(2.) If the consent cannot be obtained, any party interested may apply to the Court to order the memorandum to be recorded.

(3.) Where all parties interested consent in writing to any amendment of the memorandum, and to the recording of the memorandum as so amended, the Clerk may amend the memorandum accordingly, and record it without further proof.

42. Where a memorandum of an agreement as to any matter referred to in sub-Rule (1.) of Rule 41 is presented for registration, and any party interested, on receipt of the notice mentioned in Rule 37, or the notice mentioned in sub-Rule (2.) of Rule 44, does not file a notice pursuant to Rule 39, disputing the genuineness of the memorandum, but objects to the memorandum being recorded on the ground of the inadequacy of the sum or amount payable, or gives to the Clerk any information bearing on the question whether the memorandum may properly be recorded, regard being had to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance, the Clerk shall before recording the memorandum proceed to consider the objection or information in accordance with that proviso, and with Rule 44.

Where objection made to adequacy of sum payable, or information given as to matters mentioned in Ordinance Sched. 2, par. 8 (d).

43. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the Court to rectify the register pursuant to paragraph 8 of the Second Schedule to the Ordinance:—

Proceedings on application for recording of memorandum or rectification of register.

(a) The application shall be made in Court on notice in accordance with Form 32, stating the relief or order which the applicant claims.

(b) The notice shall be filed with the Clerk, and copies thereof shall be served—

(i) in the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;

(ii) in the case of an application to rectify the register, on every party who would be affected by such rectification, subject to the provisions of these Rules as to the parties to an arbitration,

ten clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice.

(c) On the hearing of the application, witnesses may be orally examined in the same manner as on the hearing of a complaint.

(d) On the hearing of the application the Court may make such order or give such directions as it thinks just regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance.

(e) The provisions of the Ordinance and these Rules as to the costs of an arbitration before the Court shall apply to any such application.

44.—(1.) Where a memorandum of an agreement made before ascertainment of compensation for payment of a lump sum by way of compromise and satisfaction of all claims, or an agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, is presented for registration, there shall be left or sent with the memorandum a separate statement in accordance with Form 28 setting out such of the particulars mentioned in that Form as are applicable to the case.

Reference to Court of agreements.

(2.) In any such case the Clerk shall, before recording the memorandum, in addition to sending the notice mentioned in Rule 37, send a notice, in accordance with Form 33, to every party interested, requesting such party to inform him by letter or by personal interview at his office, of any facts relating to the agreement and the circumstances in which it was arrived at which any such party may desire to bring to the notice of the Clerk, and which may assist him in deciding whether the memorandum may properly be recorded; and the Clerk shall make such further inquiries and obtain such further information as he thinks necessary in order to satisfy himself that the memorandum may properly be recorded, regard being had to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance; and it shall be the duty of the parties to the agreement to answer the inquiries and give information accordingly.

(3.) Where notice disputing the genuineness of the memorandum is not filed pursuant to Rule 39, but it appears to the Clerk, on any information which he considers sufficient, that the memorandum ought not to be recorded for any reason mentioned in proviso (d) to paragraph 8 of the Second Schedule to the Ordinance, he shall report, in writing, to the Court stating the information he has obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.

(4.) If on consideration of the report of the Clerk it appears to the Court that the memorandum may properly be recorded, the Court may so direct, and it shall be recorded accordingly.

(5.) If on consideration of the report of the Clerk it appears to the Court that the memorandum should not be recorded without further inquiry, the Clerk shall send notice to the parties interested, in accordance with Form 34, informing them that he has referred the matter to the Court, and requiring them to attend on a day to be specified in the notice, when the matter will be inquired into by the Court.

(6.) The notices shall be sent to the parties interested or their solicitors ten clear days at least before the day fixed for the inquiry, unless the Court directs shorter notice to be given.

(7.) At the inquiry witnesses may be orally examined in the same manner as on the hearing of a complaint.

(8.) At the inquiry the Court may make such order or give such directions as under the circumstances it thinks just.

(9.) The provisions of the Ordinance and these Rules as to the costs of an arbitration before the Court shall apply to any such inquiry; and in particular, if it appears that a report of the Clerk has been rendered necessary by the neglect or refusal of any party to an agreement to furnish any information reasonably required of him by the Clerk, that party may be ordered to pay the costs of the inquiry.

Removal of
record of
agreement
from register.

45.—(1.) An application to the Court by or on behalf of any party for the removal from the register of the record of a memorandum of an agreement under proviso (e) to paragraph 8 of the Second Schedule to the Ordinance shall be made in Court on notice in accordance with Form 35; and the provisions of Rule 43 shall apply to the proceedings on the application.

(2.) If it appears to the Court on a report by the Clerk without any such application that the record of a memorandum of an agreement should be removed from the register pursuant to the proviso mentioned in the last preceding sub-Rule, the Clerk shall send notice, in accordance with Form 36, to the parties to the agreement, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the Court.

(3.) Such notice shall be sent and the inquiry held in accordance with the provisions of the last preceding Rule, and the provisions of that Rule shall apply to the inquiry.

Division 6.—Payment and Investment of Moneys and Suspension of Payments.

Payment into
Court and
investment and
application of
lump sum
payable under
agreement in
lieu of or for
redemption of
weekly payment
to person
under
disability.

46. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability, or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability, and a memorandum thereof has been recorded in accordance with the Ordinance and these Rules, such sum shall be paid into Court, and shall 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 person entitled thereto, and the receipt of the Clerk shall be a sufficient discharge in respect of the amount paid in; and the provisions of paragraph 5 of the First Schedule to the Ordinance and of Rule 49 shall apply to the payment into Court and the investment and application of such lump sum.

Application to
stay proceedings
or suspend
weekly
payments
on refusal of
workman to
submit to
examination.

47.—(1.) In any case in which a workman has given notice of an accident, or is receiving weekly payments under the Ordinance, and the employer alleges that the workman refuses to submit himself to medical examination in accordance with paragraph 4, paragraph 9, or paragraph 10 of the First Schedule to the Ordinance, or in any way obstructs the examination, or the medical referee, as the case may be, the employer may apply, in accordance with this Rule, for the suspension, until the examination has taken place, of the right to compensation and to take or prosecute any proceeding under the Ordinance in relation to compensation or of the right to the weekly payments.

(2.) Where proceedings are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to the committee or arbitrator.

(3.) Where the workman has given notice of an accident, but no proceedings are pending, or proceedings are pending before the Court, the application shall be made to the Court.

(4.) Where the workman is receiving weekly payments under an award, memorandum or certificate, then—

(a) if proceedings for the review of the weekly payment are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to the committee or arbitrator; or

(b) if no proceedings for review are pending, or if proceedings for review are pending before the Court, the application shall be made to the Court.

(5.) Where the application is to be made to the Court, it may, subject to the following modifications, be made in or out of Court in accordance with Rule 43:—

(a) The notice of application shall be in accordance with Form 37; and

(b) The notice shall be served on the workman or his solicitor five clear days before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice.

48.—(1.) Where an application is made for an order that a memorandum of an agreement as to a weekly payment be recorded, and the employer alleges that incapacity for work has wholly or partially ceased, the Court may, on the hearing of the application, if it orders the memorandum to be recorded, order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into Court, to abide the order of the Court, as from the date on which the employer alleges that incapacity wholly or partially ceased, or from any later date, for such time as it thinks fit, to enable the employer to file a request for arbitration with respect to the review of the weekly payment.

Suspension of weekly payment pending application for review.

(2.) Where an employer intends to apply for an order of suspension or payment into Court under the last preceding sub-Rule, he shall file with the Clerk notice of his intention, specifying the date on which he alleges that incapacity wholly or partially ceased; and copies thereof shall be served in accordance with Rule 43 five clear days at least before the hearing of the application to record, unless the Court or the Clerk gives leave for shorter notice.

(3.) The provisions of this Rule shall not prejudice the power of the Court to refuse to order a memorandum of an agreement to be recorded.

(4.) Where a request is filed for arbitration with respect to the review of a weekly payment, the Court may, at any time before the hearing of the arbitration, order the weekly payment to be wholly or partially suspended or to be wholly or partially paid into Court, to abide the order of the Court, as from the date on which the employer alleges in his request that incapacity wholly or partially ceased, or from any later date, until the hearing of the arbitration.

(5.) An application for an order for suspension or payment into Court under the last preceding sub-Rule shall be made in Court on notice in writing; and the provisions of Rule 43 shall apply to the proceedings on the application.

(6.) An order for suspension or payment into Court under this Rule shall be without prejudice to the right of the workman to apply to the Court, on good cause shown, to discharge the order. Any such application shall be made in Court on notice in writing; and the provisions of Rule 43 shall apply to the proceedings on the application.

49.—(1.) Matters in relation to payments into Court pursuant to paragraph 5 of the First Schedule to the Ordinance in case of death shall be dealt with in accordance with the provisions of this Rule.

Payment into Court, investment and application of payment in case of death.

(2.) Where any money is to be paid into Court under an award made by the Court, or in pursuance of any decision or award of a committee or arbitrator or under an agreement, payment shall, in the case of an award made by the Court, be made in accordance with the directions contained in the award, and, in any other case payment shall be made into the Court in accordance with the provisions of this Rule.

(3.) Where money is to be paid into Court under this Rule, the employer shall lodge with the Clerk a præcipe in accordance with Form 38 and the Clerk shall, on receipt of the sum paid in, give a receipt therefor in accordance with the directions contained in Form 38. The employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(4.) On the payment of money into Court, the Clerk shall forthwith send by post to each of the persons appearing by the award a memorandum to be interested in the money, a notice of the payment in accordance with Form 39:

Provided that, in the case of infant dependants residing with their mother or guardian, it shall be sufficient to send the notice to the mother or guardian only.

(5.) If all questions as to who are dependants and the amount payable to each dependant have been settled by arbitration before payment into Court, the sum so paid shall be allotted between the dependants in accordance with the award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(6.) If all questions as to who are dependants have been determined before payment into Court, the amount payable to each dependant shall be settled by the Court, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(7.) If any such questions have not been settled before payment into Court, then—

(a) if all the persons interested in the sum paid into Court agree to leave the application thereof to the Court, or if no question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into the Court, but any of the persons interested in such sum are absent or under disability, the amount paid into Court shall, on application by or on behalf of the person interested therein, be allotted, invested, applied, or otherwise dealt with by the Court for the benefit of the persons interested therein in accordance with paragraph 5 of the First Schedule to the Ordinance;

(b) if any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into Court, the question shall be settled by arbitration in accordance with the Ordinance and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(8.) Where any question is settled by the Court by arbitration in accordance with the last preceding sub-Rule, an application for the investment or application of any sum allotted to any person on the arbitration may be made at or immediately after the hearing of the arbitration.

(9.) Where application is not so made, or in any other case coming within paragraph 5 of the First Schedule to the Ordinance, the following provisions shall apply:—

(a) An application for the investment and application of the sum paid into Court, or of the amount allotted to any person, may be made to the Court in accordance with Form 40 or 41, as the case requires, stating on whose behalf the application is made and the order for which the applicant asks.

(b) The notice shall be filed with the Clerk, and, where the application is made by or on behalf of some only of the persons interested, notice thereof shall be served on all other parties interested, or on their solicitors, seven clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice.

(c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of a complaint in the Court.

(d) On the hearing of the application, the Court may, after making or directing such inquiries as to the dependants and on such evidence of title and identity as it thinks necessary, make such order under paragraph 5 of the First Schedule to the Ordinance and this Rule as it thinks fit.

(e) The provisions of the Ordinance and these Rules as to the costs of an arbitration shall apply to any such application.

(10.) Where any sum paid or to be paid into Court is to be invested, applied, or otherwise dealt with by the Court, the Court may, at any time before or on the hearing of any application for the investment or application thereof, refer the matter to the Clerk for inquiry and report.

(11.) An employer paying money into Court under this Rule shall not be liable to any costs incurred by any person interested in the money after the receipt of notice of the payment, but the Court may, in its discretion, order the employer to pay the costs of any such person properly incurred before the receipt of the notice.

(12.) Every order for the investment or application of money paid into Court shall reserve liberty to the parties interested to apply to the Court as they may be advised.

(13.) Where any sum allotted to any person under paragraph 5 of the First Schedule to the Ordinance or this Rule is ordered to be paid out to or applied for the benefit of the person entitled thereto by weekly or other periodical payments, the payments may be made to the person entitled to receive them either at the office of the Clerk, or, on the written request of such person, by crossed cheque, money order, or postal notes addressed to such person and forwarded by registered post letter, payment by post being in all cases at the cost and risk of the person requesting payment in that manner.

50.—(1.) If there is no dispute as to the liability to pay compensation in the case of death, but the amount payable has not been ascertained or decided either by a committee, or by arbitration, or by agreement, the employer may pay into Court the amount which he admits to be payable as compensation.

Payment into Court in case of death where liability admitted, but amount not determined.

(2.) Where money is to be paid into Court under this Rule, the employer shall lodge with the Clerk a praecipe in duplicate in accordance with Form 42, containing a statement of the particulars mentioned in that form, and stating in what manner the sum admitted to be payable as compensation has been arrived at. The Clerk, on receipt of the sum paid in, shall give a receipt therefor according to the directions on Form 42; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(3.) On the payment of money into Court under this Rule, the Clerk shall make such inquiries and obtain such information as he thinks necessary to satisfy himself whether the amount paid in is adequate in the circumstances of the case; and it shall be the duty of the employer and of the persons interested in the money paid in to answer such inquiries and give such information accordingly.

(4.) Where it appears to the Clerk that the amount paid in is adequate, he shall forthwith send by post to each of the persons appearing by the praecipe to be interested in the money a notice of the payment in accordance with Form 45:

Provided that, in the case of infant dependants residing with their mother or guardian, it shall be sufficient to send the notice to the mother or guardian only.

(5.) Where it appears to the Clerk that the amount paid in is inadequate, he shall report to the Court in writing, stating the information he has obtained and the grounds on which it appears to him that the amount paid in is inadequate.

(6.) If on consideration of the report of the Clerk it appears to the Court that the amount paid in is adequate, it may direct the Clerk to send to the parties interested notice of payment in accordance with sub-Rule (4.) of this Rule.

(7.) If on consideration of the report of the Clerk it appears to the Court that further inquiry should be made, the Clerk shall, subject to any direction of the Court, give seven clear days notice to the employer and to the parties appearing by the praecipe to be interested in the money paid into Court, in accordance with Form 44, informing them that he has referred the matter to the Court, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the Court. Upon such inquiry, the Court may make such order (including an order as to the money paid into Court) as under the circumstances it thinks just and sub-Rules (6.), (7.) and (9.) of Rule 44 shall apply.

(8.) Where notice of payment into Court is sent in accordance with sub-Rule (4.) or (6.) of this Rule, then—

(a) if any question arises as to the adequacy of the amount paid into Court, the question as to the amount payable as compensation, and all questions as to who are dependants and the amount payable to each dependant, shall be settled by arbitration in accordance with the Ordinance and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance and sub-Rules (8.), (9.), (10.), (12.) and (13.) of the last preceding Rule; or

(b) if no question arises as to the adequacy of the amount paid into Court, the amount paid into Court shall be allotted, invested, applied, or otherwise dealt with by the Court in accordance with sub-Rules (7.) to (10.) (both inclusive) and (12.) and (13.) of the last preceding Rule.

(9.) An employer paying money into Court under this Rule shall not (except under sub-Rule (9.) of Rule 44, or where a question arises as to the adequacy of the amount paid in, and the question is decided adversely to the employer by arbitration under sub-Rule (8.) of this Rule), be liable to any costs incurred by any person interested in the money after receipt of notice of payment into Court; but the Court may, in its discretion, order the employer to pay the costs of any such person properly incurred before the receipt of the notice.

Payment into Court in case of death where liability denied.

51.—(1.) Where a claim for compensation in the case of death has been made by or on behalf of dependants, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the dependants as are not under disability are willing to accept that amount in settlement, the employer may pay the amount into Court.

(2.) Where money is to be paid into Court under this Rule, the employer shall lodge with the Clerk a *præcipe* (in duplicate) in accordance with Form 43, containing a statement of the particulars mentioned in that form. The Clerk on receipt of the sum paid in shall give a receipt therefor in accordance with the directions on Form 43; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(3.) On the payment of money into Court under this Rule, the Clerk shall proceed according to sub-Rule (3.) of the last preceding Rule, and the provisions of that Rule shall apply to proceedings subsequent to the payment.

Payment into Court by solicitor or agent of employer.

52. Where money is to be paid into Court under Rule 49, 50 or 51, it may be paid in by the employer or his solicitor, or by an agent of the employer duly authorized on his behalf; and where payment is made by a solicitor or an agent, the *præcipe* shall state that the money is paid in at the request and by the authority of the employer, and the *præcipe* shall be signed by the solicitor or agent accordingly.

Application for payment into Court of weekly payment to person under legal disability.

53.—(1.) An application under paragraph 6 of the First Schedule to the Ordinance for an order that a weekly payment payable under the Ordinance to a person under any legal disability shall during the disability be paid into Court may be made either by the person liable to make the payment, or by or on behalf of the person entitled to the payment.

(2.) If the weekly payment is awarded by the Court, the application may be made at or immediately after the hearing of the arbitration.

(3.) In any other case the application may be made to the Court on notice in accordance with Form 46, which shall be served on the other party or his solicitor seven clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice; and the provisions of Rule 43 shall apply to any such application.

(4.) Where any weekly payment is ordered to be paid into Court, the sum paid in shall be paid out by the Clerk to or otherwise applied for the benefit of the person entitled thereto in such manner as the Court directs; and the provisions of Rule 49 as to the payment out or application of sums by weekly or other periodical payments shall apply.

Application for variation of order as to apportionment among dependants, &c.

54.—(1.) An application for the variation of an order of the Court under paragraph 8 of the First Schedule to the Ordinance may be made by or on behalf of any person interested.

(2.) The application shall be made to the Court in accordance with Form 47, stating the circumstances under which the application is made, and the relief or order which the applicant claims.

(3.) The notice shall be filed with the Clerk, and notice thereof shall be served on all persons interested in accordance with Rule 43, and the provisions of that Rule and of Rule 49 shall apply to the proceedings on such application.

55.—(1.) The provisions of this Rule shall apply in the case of the death of a dependant for whose benefit any amount has been ordered to be invested, applied or otherwise dealt with by the Court.

Application of amount allotted to dependant in case of death.

(2.) The balance of the amount remaining at the death of the dependant shall be subject to any order which may have been or may be made by the Court for the variation of the order or award pursuant to paragraph 8 of the First Schedule to the Ordinance, and to Rule 54.

(3.) In default of and subject to any such order, the Court may, on application made in accordance with sub-Rules (2.) and (3.) of Rule 54, order that the balance be paid out or transferred to the legal personal representative of the deceased dependant.

56. Where pursuant to paragraph 12 of the First Schedule to the Ordinance a lump sum payable for the redemption of any weekly payment is ordered by an arbitrator, or by the Court, to be invested or otherwise applied for the benefit of the person entitled thereto, that sum shall be paid into the Court; and the provisions of paragraph 5 of the First Schedule to the Ordinance and of Rule 49 shall apply to the investment and application of that lump sum.

Investment and application of sums paid in redemption of weekly payments.

57.—(1.) The provisions of this Rule shall apply in any case where a workman receiving a weekly payment intends to cease to reside in the Territory.

Workman receiving weekly payment ceasing to reside in the Territory.

(2.) The workman may apply to the Clerk to refer to a medical referee the questions whether the incapacity of the workman resulting from the injury is likely to be of a permanent nature or whether the absence of the workman from the Territory is desirable for recuperative purposes.

(3.) The application shall be made on notice in accordance with Form 48, which shall be filed with the Clerk, and shall be accompanied by a report of a medical practitioner selected by the workman, setting out the nature of the incapacity alleged to be the result of the injury; and a copy of the application and of the report shall be served on the employer or his solicitor in accordance with Rule 43, and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(4.) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with paragraph 9 of the First Schedule to the Ordinance; and, if the employer requires the workman to submit himself for the examination, he shall before or at the hearing of the application furnish the workman with a copy of the report of the practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(5.) The workman and the employer respectively may before or at the hearing of the application submit to the Clerk such statements in writing as they think fit, with copies of the statements for the use of the medical referee.

(6.) On the hearing of the application, the Clerk, on being satisfied that the applicant has a *bona fide* intention of ceasing to reside in the Territory, shall make an order in accordance with Form 49 referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the Court, which may make such order or give such directions as it thinks fit.

(7.) Where the Clerk or the Court makes an order referring the question to a medical referee, the Clerk shall issue an order in accordance with Form 50 directing the workman to submit himself for examination by the medical referee and the provisions of sub-Rules (3.) to (6.) (inclusive) of Rule 75 shall, with the necessary modifications, apply.

(8.) The Clerk shall with the order of reference forward to the medical referee copies of any statements submitted to him by either party.

(9.) The medical referee shall forward his certificate in the matter, in accordance with Form 51, to the Clerk by registered post, specifying therein the nature of the incapacity of the workman resulting from the injury, and whether such incapacity is likely to be of a permanent nature or whether the absence of the workman from the Territory is desirable for recuperative purposes and the Clerk shall thereupon proceed in accordance with sub-Rule (8.) of Rule 75.

(10.) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature or that the absence of the workman from the Territory is desirable for recuperative purposes, the Clerk shall, on application, furnish the workman with—

- (a) a copy of the certificate of the medical referee, certified by the Clerk in his own handwriting to be a true copy;
- (b) a copy of the award or memorandum under which the weekly payment is payable, certified by the Clerk to be a true copy;
- (c) a certificate of identity in accordance with Form 52; and
- (d) a notice in accordance with Form 53, annexing thereto forms of certificate and declaration in accordance with Forms 54 and 55,

and shall procure from the workman a specimen of his signature, and file the same for reference.

(11.) A workman who desires to have the weekly payments payable to him transmitted to him while residing out of the Territory shall at intervals of three months from the date to which the payments were last made submit himself for examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding sub-Rule, and shall obtain from him a certificate in accordance with Form 54 that the incapacity of the workman resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the workman, before a person having authority to administer an oath.

(12.) The workman shall also make a declaration of identity in accordance with Form 55 before a person having authority to administer an oath, producing to that person the copy and certificate of identity mentioned in the last preceding sub-Rule, and the certificate of the medical practitioner by whom he has been examined.

(13.) The workman shall forward the certificate of the medical practitioner and declaration mentioned in the two last preceding sub-Rules to the Clerk, with a request, in accordance with Form 56, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be transmitted, which request shall be signed by the workman in his own handwriting.

(14.) On receipt of the certificate, declaration, and request, the Clerk shall examine them, and may, if not satisfied that they are in order, return them for correction.

(15.) If the Clerk is satisfied that the certificate, declaration and request are in order, or when they are returned to him in order, he shall send to the employer a notice in accordance with Form 57 requesting him to forward the amount due; and the employer shall thereupon forward the amount to the Clerk, who shall transmit, at the cost and risk of the workman, the amount, less any Court fees payable to the Clerk and the costs of the transmission, to the workman at the address and in the manner requested by him.

Payment of
arrears of
weekly
payments on
death of
workman
residing out
of the
Territory.

58.—(1.) In the event of the death of a workman in receipt of weekly payments while residing out of the Territory, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward to the Clerk a certificate of the death of the workman, and documents showing that they are entitled to the arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of the arrears, specifying the place where and the manner in which the arrears are to be transmitted to them.

(2.) For the purposes of this Rule, "representatives" means—

- (a) if the workman leaves a will, the executors of the will; or
- (b) if the workman dies intestate, the persons who are according to law entitled to his personal estate, and payment of the arrears may be made to those persons without the production of letters of administration.

(3.) On the receipt of the certificate and documents mentioned in this Rule, the Clerk shall examine them, and may, if not satisfied that they are in order, return them for correction.

(4.) If the Clerk is satisfied that the certificate and documents are in order, or, when they are returned to him, are in order, he shall send to the employer a notice requesting him to forward the amount of the arrears due, and the employer shall thereupon forward the amount to the Clerk, who shall transmit, at the cost and risk of the representatives of the workman, the amount, less any Court fees payable to the Clerk and the costs of transmission, to those representatives at the address and in the manner requested by them.

PART III.—COSTS AND FEES.

59.—(1.) In any proceedings, whether before a committee or an arbitrator or in the Court, in which a solicitor or a solicitor and counsel are employed by any party to proceedings under the Ordinance, the costs incurred by any party to such proceedings in employing a solicitor or a solicitor and counsel to be included in the costs to be paid to that party by another party shall not exceed the sums respectively specified in the Second Schedule to these Rules:

Costs.

Provided that where, in any such proceedings, difficult questions of fact or law arise, the Court may, subject to such conditions, whether as to taxation or otherwise, as it thinks fit, allow costs in excess of the sums so specified.

(2.) Where the subject-matter of an arbitration is not a capital sum, the committee, the arbitrator or the Court shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject-matter of the arbitration; and in default of such determination, the amount shall be fixed by the Clerk, subject to review by the Court.

(3.) Where proceedings are taken for which no provision is made by these Rules, the Court, or the Clerk, subject to review by the Court, may in respect of such proceedings, allow reasonable costs not exceeding those which may under the Second Schedule to these Rules be allowed in respect of proceedings of a like nature.

(4.) The committee, the arbitrator or the Court may, in dealing with the question of costs, take into consideration any offer of compensation proved to have been made on behalf of the employer.

(5.) Where any workman is examined by a medical referee on a reference under paragraph 10 of the First Schedule to the Ordinance, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the workman in obtaining the certificate (if not otherwise provided for) may, by order of the committee, the arbitrator or the Court, be allowed as costs in the arbitration.

(6.) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under paragraph 13 of the Second Schedule to the Ordinance, any reasonable expenses incurred by the workman in travelling to attend on the referee for examination may, by order of the committee, the arbitrator or the Court, be allowed as costs in the arbitration.

(7.) Except as otherwise provided, all costs referred to in this Rule shall be taxed by the Clerk in the prescribed manner.

60. Where any costs are awarded by a committee or an arbitrator, the Clerk shall, on application made to him either at the time that the memorandum of the decision of the committee or arbitrator is recorded pursuant to paragraph 8 of the Second Schedule to the Ordinance or at any time thereafter, tax such costs in the prescribed manner and enter in the special register the amount of the costs allowed on taxation; and such entry shall be deemed to be part of the memorandum, and shall be enforceable accordingly.

Costs awarded by committee or arbitrator.

61. The provisions of the law governing the allowance and taxation of costs in an action in the Supreme Court shall, as far as applicable, apply to the allowance and taxation of costs under these Rules.

Taxation of costs.

62.—(1.) An application to the Court to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the Court gives leave for shorter notice.

Review of taxation.

(2.) The application shall be heard and determined upon the evidence which has been brought in before the Clerk and no further evidence shall be received on the hearing thereof unless the Court otherwise directs.

(3.) The costs of and incidental to the application shall be in the discretion of the Court.

(4.) The result of the review shall be entered in the special register.

63. Where any party to whom costs are awarded acts by a solicitor, the solicitor shall have the same authority to take out or receive any sum paid into Court or payable in respect of the costs by the party against whom the costs are awarded as he would have if the costs were awarded in a complaint in the Court.

Authority of solicitor to receive sum paid in respect of costs.

64.—(1.) The following provisions shall apply to an application under paragraph 12 of the Second Schedule to the Ordinance for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Ordinance.

Application to determine costs payable to solicitor or agent.

(2.) Where the sum awarded as compensation has been awarded by a committee or an arbitrator, the application shall be made to the committee or arbitrator.

(3.) Where the sum awarded as compensation has been awarded by the Court, the application may be made—

(a) to the Court at or immediately after the hearing of the arbitration; or

(b) at a subsequent date.

(4.) Where a sum has been agreed on as compensation, the application shall be made to the Court.

(5.) An application made to the Court other than an application under paragraph (a) of sub-Rule (3.) of this Rule, shall be made to the Court on notice in writing in accordance with Rule 43.

(6.) The notice shall be in accordance with Form 58 and shall be served, in accordance with Rule 43, on the person for whom the solicitor or agent acted, and the provisions of that Rule shall apply to the proceedings on the application.

(7.) On the hearing of the application, the committee, the arbitrator or the Court may award costs to the solicitor or agent, and may make an order declaring the solicitor or agent to be entitled to recover the costs from the person for whom he acted, or to be entitled to a lien for the costs on any sum awarded or agreed as compensation to such person, or to be entitled to deduct the costs from any such sum, or may make such order or give such directions as may be just.

(8.) Any costs awarded to a solicitor or agent on any such application shall not exceed the limits specified in the Second Schedule to these Rules, and shall be taxed by the Clerk in the prescribed manner and that taxation may be reviewed by the Court in accordance with Rule 62:

Provided that where, in any case, difficult questions of fact or law arise, the Court may, subject to such conditions as to taxation or otherwise as it thinks fit, award costs in excess of the limits so specified.

(9.) Where the subject-matter of the arbitration is not a capital sum, the committee, arbitrator, or the Court shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject-matter of the arbitration; and in default of such determination, the amount shall be fixed by the Clerk, subject to review by the Court.

Provisions as
to order
declaring
lien, &c.

65. Where an order is made by a committee, an arbitrator, or the Court awarding costs to a solicitor or agent, and declaring the solicitor or agent to be entitled to recover the costs from the person for whom he acted, or to be entitled to a lien for the costs on any sum awarded or agreed as compensation, or to be entitled to deduct the costs from any such sum, the following provisions shall apply:—

(a) The Clerk shall, on application made to him, tax the costs;

(b) A copy of the order, and, when the amount to which the solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount shall, at the request and cost of the solicitor or agent, be issued by the Clerk for service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on that party in accordance with Rule 19.

(c) A memorandum of the order and, when such amount has been ascertained, a memorandum of the amount shall be recorded in the special register in which the memorandum or award under which the sum awarded or agreed as compensation is payable is recorded, and such last-mentioned memorandum or award shall have effect subject to such order and memorandum.

(d) The party liable to pay compensation shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay compensation.

(e) If the party liable to pay compensation fails on demand to pay any amount which he is liable to pay to the solicitor or agent, the Court may, on application made to it on notice to such party in accordance with Rule 43, and on proof of the order having been served on and demand for payment made to such party, order that party to pay such amount; and in default of payment the Court may order execution to issue, in accordance with these Rules, to levy the amount.

- (f) Payment made by or execution levied on the party liable to pay compensation shall be a valid discharge to him, as against the party entitled to compensation, to the amount paid or levied.
- (g) Where the sum awarded as compensation has been paid into Court, the amount to which the solicitor or agent is entitled shall be paid to him out of that sum.

66. The fees specified in the Third Schedule to these Rules shall be paid in respect of the matters respectively specified in that Schedule and those fees shall, subject to paragraph 11 of the Second Schedule to the Ordinance, be paid in the first instance by the party in whose behalf the proceedings are taken. Court fees.

67. The fees specified in the Fourth Schedule to these Rules shall be paid, subject to paragraph 11 of the Second Schedule to the Ordinance, in respect of the matters respectively specified in such first-mentioned Schedule. Bailiff's fees.

68.—(1.) The fees and mileage which may be allowed for the attendance of witnesses to give evidence in any arbitration proceedings shall be such amounts, not exceeding those specified in the Fifth Schedule to these Rules, as the Court allows. Witnesses' fees and expenses.

(2.) The committee, the arbitrator or the Court may order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending the hearing such just and reasonable charges and expenses (in addition to travelling expenses to attend the hearing) as appear to the committee, the arbitrator or the Court to have been properly incurred in procuring evidence and the attendance of those witnesses; and in like cases the committee, the arbitrator or the Court may, subject to the provisions of the next succeeding sub-Rule, order that the just and reasonable charges and expenses of preparing and proving plans, drawings, models or the like, shall be allowed.

(3.) Any person who prepares plans, drawings, models or the like for the purpose of illustration, and who if called at the hearing proves the correctness of the plans, drawings, models or the like only, shall not be entitled to allowances as an expert or scientific witness but shall be allowed for his attendance upon the scale applicable to ordinary witnesses; and there may be also allowed for the preparation of the plans, drawings, models or the like and all tracings and copies thereof the sum reasonably paid for the same.

PART IV.—ENFORCEMENT OF AWARDS AND AGREEMENTS.

69.—(1.) Where a party liable to pay compensation or costs under any award or memorandum has made default in payment of the amount awarded or where payment is to be made by instalments, of any instalment, the party entitled to the compensation or costs may apply to the Court or the Clerk for leave to issue execution against the goods of the party in default. Execution against goods.

(2.) Where the application is made to the Clerk he may, if no cause is shown to the contrary, and on proof of the amount in payment of which default has been made, give leave for execution to issue.

(3.) If cause is shown to the contrary, or if the Clerk is in doubt as to the proper order to be made, he may refer the matter to the Court, which may make such order or give such directions as may be just.

(4.) In particular, if in the case of a weekly payment the party liable to execution alleges that incapacity has wholly or partially ceased, the Court may, on such terms as to payment into Court or otherwise as may be just, adjourn the application for such time as it thinks fit, to enable the party liable to execution to file a request for arbitration with respect to the review of the weekly payment. Any such adjournment shall be without prejudice to the right of the party applying for leave to issue execution to renew his application on good cause shown.

(5.) A warrant of execution shall be in accordance with Form 59.

(6.) Subject to this Rule, the provisions of the *Court of Petty Sessions Ordinance 1931-1937* with respect to warrants of execution shall apply to any execution in pursuance of this Rule.

70. Where proceedings by way of execution against the person under the *Court of Petty Sessions Ordinance 1931-1937*, are taken against a party liable to pay compensation or costs under any award or memorandum, who has made default in payment of the amount awarded or, where payment is to be made by instalments, of any instalment, the provisions of Division 5 of Part IX. of that Ordinance for the time being in force shall, with any necessary modifications, apply to the proceedings: Execution against the person.

Provided that the Court shall not alter the terms or mode of payment of any sum to become payable in future under any award or memorandum, otherwise than by consent, or under paragraph 11 of the First Schedule to the Ordinance.

Other proceedings for enforcement of award, &c.

71. The provisions of the *Court of Petty Sessions Ordinance 1931-1937* for the time being in force as to proceedings for the enforcement of or the recovery of money due under judgments or orders of the Court otherwise than by execution against the party in default or his goods shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award or memorandum.

PART V.—APPEALS AND QUESTIONS OF LAW.

When award or order may be set aside or varied,

72.—(1.) Where the Court is satisfied—

- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the Court, has been obtained by fraud or other improper means, or should be set aside or varied for any other sufficient reason; or
 - (b) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Ordinance; or
 - (c) that any person who is in fact a dependant as defined by the Ordinance has been omitted from any award or order,
- the Court may set aside or vary the award or order, and may make such order including an order as to any sum already paid under the award or order as under the circumstances it thinks just.

(2.) An application to set aside or vary an award or order under this Rule shall be made to the Court on notice in writing, and the provisions of Rule 43 shall apply to the proceedings on such application.

(3.) An application to set aside or vary an award or order under this Rule shall not be made after the expiration of six months from the date of the award or order, except by leave of the Court; and such leave shall not be granted unless the Court is satisfied that the failure to make the application within such period was occasioned by mistake, absence from the Territory, or other reasonable cause.

Submission of question of law by committee or arbitrator to Court.

73.—(1.) Where a committee or an arbitrator submits any question of law for the decision of the Court under paragraph 3 of the Second Schedule to the Ordinance, such submission shall be in the form of a special case.

(2.) The case shall be intitled in the matter of the Ordinance and of the arbitration, and shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and documents as may be necessary to enable the Court to decide the questions of law raised thereby. Upon the argument of the case, the Court and the parties shall be at liberty to refer to the whole contents of such documents, and the Court shall be at liberty to draw from the facts and documents stated in the case any inference, whether of fact or of law, which might have been drawn therefrom if proved at the hearing of an arbitration.

(3.) The case shall be signed by the chairman and the secretary to the committee or by the arbitrator, and sent to the Clerk, who shall transmit the same to the Court, and the Court shall as soon as conveniently may be appoint a day and hour for hearing the case, and instruct the Clerk to give notice thereof forthwith to the parties in accordance with Form 60. The day shall be so fixed as to allow notice to be given ten days at least before the day fixed for the hearing, unless the Court, with the consent of all parties, fixes an earlier day.

(4.) The Clerk shall, on the application and at the cost of any party, furnish him with a copy of the case.

(5.) On the hearing of the case, the Court may, after deciding the question submitted to it, remit the case with a memorandum of its decision to the committee or arbitrator, for them or him to proceed thereon in accordance with the decision; or if the decision of the Court on the question submitted to it disposes of the whole matter, the Court may make an award in the arbitration in accordance with the decision.

(6.) The Court may remit the case to the committee or arbitrator for re-statement or further statement.

(7.) The Court shall have the same power over the costs of a special case as it has over the costs of an arbitration, or the Court may direct that such costs shall be dealt with as costs attending the arbitration; and the provisions of the Ordinance and these Rules as to such costs shall apply accordingly.

Appeals to the Supreme Court.

74.—(1.) Appeals under section nineteen A of the Ordinance and paragraph 3 of the Second Schedule to the Ordinance shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto.

(2.) When the Supreme Court has given judgment on any appeal, any party may deposit the order of the Supreme Court, or a certified copy thereof, with the Clerk; and the Clerk shall file the order or copy, and the order shall have the same effect as if it had been a decision of the Court of Petty Sessions.

(3.) If the order has the effect of an award, decision or order in the matter in favour of any party, the order shall be recorded, and may be proceeded on, in the same manner as if it had been an award, decision or order of the Court.

(4.) If the order be to the effect that an award be made or a decision given or order made in favour of any party, the Court shall make such award or give such decision or make such order accordingly.

(5.) If such order directs or involves a re-hearing or further hearing of an arbitration or special case or other matter, the Court shall, as soon as conveniently may be, appoint a day and hour for the re-hearing or further hearing, and shall instruct the Clerk to give notice thereof to the parties forthwith.

(6.) Generally the Court shall make such award or give such decision or make such order and give such directions and take or direct to be taken such proceedings in the matter, as may be necessary to give effect to the order of the Supreme Court.

PART VI.—MEDICAL REFEREES.

75.—(1.) The provisions of this Rule shall apply with respect to applications to the Clerk pursuant to paragraph 10 of the First Schedule to the Ordinance to refer any matter to a medical referee. Application for reference to a medical referee.

(2.) An application to the Clerk to refer any matter to a medical referee shall be made in writing, and shall contain a statement of the facts which render the application necessary, in accordance with Form 61, and shall be accompanied by a copy of the report of every medical practitioner who has examined the workman either on behalf of the employer or on the selection of the workman. The application shall be signed by or on behalf of both parties; and the applicant shall file copies of the application and reports for the use of the medical referee.

(3.) On the hearing of the application the Clerk shall refer the matter to a medical referee; and shall forward to the medical referee by registered post one of the filed copies of the application and reports, with an order of reference in accordance with Form 62.

(4.) The Clerk shall also make an order in accordance with Form 63 directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made in pursuance of the Ordinance.

(5.) Before making an order in accordance with Form 63, the Clerk shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and, if satisfied that he is in a fit condition, shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel shall so state in the order of reference; and it shall be the duty of the workman, on being served with the order, to submit himself for examination accordingly.

(6.) The Clerk shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the workman a copy of the order directing him to submit himself for examination.

(7.) The medical referee shall forward his certificate in the matter to the Clerk by registered post.

(8.) On the receipt of the certificate of the medical referee, the Clerk shall inform the parties by post in accordance with Form 64 that it has been received, and shall permit any party to inspect the certificate during office hours, and shall, on the application and at the cost of either party, furnish him with a copy of the certificate, or allow him to take a copy thereof.

(9.) The fee payable by the applicant shall be calculated at the rate of one shilling in the pound on twenty-six times the amount of the weekly payments claimed by or payable to the workman, so that the total fee shall not exceed One pound.

(10.) The costs of any application to the Clerk, including the fee paid under the last preceding sub-Rule, may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the workman, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of that weekly payment.

76.—(1.) Any party to an arbitration may, seven clear days at least before the day fixed for proceeding with the arbitration, file with the Clerk an application in accordance with Form 65, requesting the Court to summon a medical referee to sit with the Court as an assessor under paragraph 4 of the Second Schedule to the Ordinance. Application for assessors.

(2.) On the receipt of an application for an assessor, the Clerk shall submit the application to the Court, which, if it thinks fit, shall return the application with its approval, and thereupon the Clerk shall forthwith summon a medical referee as an assessor.

(3.) If the Court does not think fit that an assessor shall be summoned, notice thereof shall be given by the Clerk to the applicant, in accordance with Form 66.

(4.) If the Court thinks fit, either on the application of any party to an arbitration, or on its own motion, to summon a medical referee to sit with the Court as an assessor, the Clerk shall forthwith summon a medical referee by delivering to him or sending by post a summons, in accordance with Form 67.

(5.) If, at the time and place appointed for the arbitration, the medical referee summoned does not attend, the Court may either proceed with the arbitration without the assistance of an assessor, or may adjourn the hearing.

Submission to
medical referee.

77.—(1.) Subject to the Workmen's Compensation Regulations, the Court may submit to a medical referee for report any matter which seems material to any question arising in an arbitration.

(2.) When any such matter is so submitted, the Court may, subject to and in accordance with such Regulations, order the injured workman to submit himself for examination by the medical referee, and on being served with the order, the workman shall submit himself for examination accordingly.

Summoning of
and references
to medical
referees.

78.—(1.) Where a medical referee is summoned as an assessor, or any matter is referred or submitted to a medical referee, the medical referee to be summoned or to whom the matter is to be referred or submitted shall in the absence of special circumstances be one of those appointed for the purposes of the Ordinance:

Provided that where a medical referee has been specially appointed for the purpose of dealing with any specified case or class of cases, then in any such case the Clerk shall summon, or the matter shall be referred or submitted to, the medical referee so appointed:

Provided also, that where a medical referee has been previously summoned as an assessor, or there has been a previous reference or submission in any case, any subsequent summons, reference or submission in the same case shall, if possible, be sent or made to the same referee, and shall in any case be accompanied by the previous report or certificate (if any) of the medical referee, or by a copy thereof.

(2.) Where a medical referee is summoned as an assessor, or any matter is referred or submitted to a medical referee, the referee shall be summoned or the matter shall be referred or submitted subject to and in accordance with these Rules.

PART VII.—MISCELLANEOUS.

Appearance of
parties.

79.—(1.) A party to any arbitration under the Ordinance, whether before a committee, or an arbitrator, or before the Court may appear—

- (a) in person;
- (b) by counsel;
- (c) by solicitor;

or, by leave of the committee, arbitrator, or the Court—

- (d) by a member of his family;
- (e) by a person in the permanent and exclusive employment of the party;
- (f) in the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation;
- (g) by any officer or member of any society or other body of persons of which such party is a member or with which he is connected, or, where death results from the injury, by any officer or member of any society, or other body of persons of which the deceased workman was a member or with which he was connected; or
- (h) under special circumstances, by any other person.

(2.) Any person mentioned in this Rule, who appears by leave of the Court, on behalf of a party to any proceeding before the Court, shall file with the Clerk a written authority, from such party, in accordance with Form 68.

(3.) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Ordinance shall be entitled to have or recover any fee or reward for so appearing or acting, other than

such travelling expenses and (in the case of a workman or a member of his family) allowance for time (if any) as may be allowed by the committee, arbitrator, or the Court:

Provided that nothing in these Rules shall affect the right of counsel to appear or act in any arbitration, or the right of any solicitor to recover costs in respect of his employment of counsel to so appear or act.

80. At the hearing of any arbitration or special case the Court shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of its decision thereon, and of its decision in the arbitration or on the hearing of the case; and the Court shall, at the expense of any party to the arbitration or case, furnish a copy of the note so taken to, or allow a copy of the same to be taken by or on behalf of, such party, and shall sign such copy, whether a notice of appeal has been served or not.

Note to be taken of question of law raised, &c., and copy furnished.

81. Every matter brought into the Court under the Ordinance shall, unless the contrary intention appears in any form in the First Schedule, be intitled in the manner following:—

Citation of matters.

Federal Capital Territory.
Court of Petty Sessions to wit—
No. of matter of 19
In the matter of the *Workmen's Compensation Ordinance 1931*.
In the matter of
Between

and shall be distinguished by a separate number according to the year and order in which it is filed and all documents filed and subsequent proceedings taken in the Court with reference to the matter shall be intitled in like manner, and shall be distinguished by the same number.

82.—(1.) Where any document is to be filed with the Clerk under these Rules, that document shall be so filed by delivering it at the office of the Clerk.

Filing and service of documents and notices.

(2.) All documents and copies shall be legibly written on foolscap, on one side only, with a quarter margin, folded lengthwise, and endorsed with the number, matter and a short statement of the nature of the contents.

(3.) Where any document is to be filed, there shall be filed with the original document as many copies of the document as there are persons to whom copies of the document or any part thereof are to be sent by the Clerk, and in addition a copy for the use of the Court.

(4.) Where any document is under these Rules to be sent to any person by the Clerk, that document may be sent by post.

(5.) Any proceeding, document, or notice which is under these Rules to be served on any party may be served on such party by the opposite party or his solicitor; and where no special provision as to the mode of service is made by these Rules, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by sub-sections (3.) and (4.) of section 9 of the Ordinance with reference to service of notice in respect of an injury; and the provisions of section 41 of the *Court of Petty Sessions Ordinance 1930-1937* shall apply to the service of any such proceeding, document, or notice, as if it were a summons.

83. The following provisions shall apply to the case of parties acting by solicitors, and as to substituted service and notice in lieu of service:—

Procedure where parties act by solicitors and substituted service and notice in lieu of service.

- (a) When a party acts by a solicitor, service of any order, or any notice relating to any such order when directed to be served, may be made by or upon the solicitor, as the case may be;
- (b) Where by these Rules any act may be done by any party, the act may be done either in person or by his solicitor or, where it can legally be done by an agent, by an agent;
- (c) Where a party acts by a solicitor, any document, notice or proceeding, required to be served by or upon the party, may be served by or upon the solicitor, except in cases where by these Rules personal service upon a party is required; and service of the document, notice, or proceeding upon the solicitor, or delivery of the same at his office or sending the same to him by post, prepaid, shall be deemed to be good service upon the party for whom the

solicitor acts, as upon the day when it is so served or delivered, or upon which, in the ordinary course of post, it would be delivered:

Provided that the provisions of this paragraph shall not extend to any proceedings under Rule 70;

- (d) A solicitor acting for a party in any matter may give notice in writing by post or otherwise to the Clerk and to the other party, or his solicitor, that he is so acting, whereupon service of any document, notice or proceeding whatsoever authorized by these Rules to be served by or upon a solicitor so acting shall be made by or upon the solicitor accordingly, and he shall be deemed to be the solicitor acting for the party on whose behalf he has given the notice, until notice of change of solicitor has been duly given;
- (e) Where a solicitor undertakes the service of any process, he shall make the necessary copies of each process, and the Clerk shall initial the same and return them to the solicitor for service;
- (f) Any party who acts by a solicitor may change his solicitor without any order for that purpose, but when any change is made he shall give forty-eight hours' notice in writing to the Clerk and to the other parties to the proceedings or the solicitors (if any) acting for them of the change and of the name or firm and place of business of the new solicitor, and the Clerk shall file the notice given to him; but until the notice is so filed and a copy thereof served, the former solicitor shall be deemed to be the solicitor of the party; and
- (g) Where by reason of the absence of any party or for any other sufficient cause, the service of any summons, notice, proceeding or document cannot be made, the Court may, upon an affidavit showing grounds, make such order for substituted or other service, or for the substitution for service of notice by advertisement or otherwise, as is just.

Rules 11 and 70
to apply to all
proceedings.

84. Rules 11 and 79 of these Rules shall apply to all proceedings under the Ordinance and these Rules in the like manner as to proceedings by way of arbitration.

Procedure
where no
special
provision made.

85. Where any matter or thing is not specially provided for under these Rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a similar matter or thing under the *Court of Petty Sessions Ordinance 1930-1937* and the Rules thereunder, in so far as such procedure and provisions are applicable to proceedings by way of arbitration.

Applications to
be in writing.

86. Unless otherwise prescribed, all applications under these Rules shall, as far as practicable, be in writing.

Records of
proceedings
and the Special
Register.

87.—(1.) Proceedings under the Ordinance before the Court shall be recorded in the books of the Court in the manner in which other proceedings in the Court are recorded.

(2.) The Clerk shall also keep, in accordance with Form 69, a special register for the purposes of the Ordinance, in which he shall record—

- (1) a memorandum of every application made to the Court for settlement of any matter by arbitration;
- (2) a memorandum of every proceeding taken in any arbitration before the Court prior to the award;
- (3) a memorandum of every appointment of a medical referee by the Court, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;
- (4) a memorandum of every award made by the Court;
- (5) a memorandum of every special case submitted to the Court, and of the proceedings and order thereon;
- (6) a memorandum of every judgment given by the Supreme Court on any appeal;
- (7) a memorandum of every application to the Court for the appointment of an arbitrator in case of the death or refusal or inability to act of an arbitrator agreed on by the parties, and of the proceedings and order thereon;
- (8) a copy of every memorandum sent to the Clerk pursuant to paragraph 8 of the Second Schedule to the Ordinance, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the Court;

- (9) if such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
 - (10) if such memorandum is recorded by order of the Court, a memorandum of the application to the Court, and of the order made thereon;
 - (11) if, in the case of a memorandum of an agreement, the Clerk refers the matter to the Court, a memorandum of such reference, and of the directions of the Court, and the subsequent proceedings and order thereon;
 - (12) a memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
 - (13) a memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon;
 - (14) a memorandum of every application to the Court, under paragraph 12 of the Second Schedule to the Ordinance, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon;
 - (15) a memorandum of every proceeding taken in the Court for the enforcement of any award, order, or memorandum, and of the result of such proceeding;
 - (16) a memorandum of every application to refer a matter to a medical referee pursuant to paragraph 10 of the First Schedule to the Ordinance, and of the order and subsequent proceedings thereon;
 - (17) a memorandum of every application to the Court for the suspension of the right to compensation or to take or prosecute any proceedings under the Ordinance in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
 - (18) a memorandum of every sum paid into Court pursuant to paragraph 5 of the First Schedule to the Ordinance, or under any award or memorandum;
 - (19) a memorandum of every application made to the Court with reference to any such sum, and of every order made on the application, and of the manner in which the sum is invested, applied, or disposed of;
 - (20) a memorandum of every application for the payment of any weekly payment into Court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment;
 - (21) a memorandum of every application for variation of an order of the Court as to the apportionment, investment or application of any sum paid as compensation, and of the proceedings and order thereon;
 - (22) a memorandum of every application to refer a matter to a medical referee pursuant to paragraph 13 of the First Schedule to the Ordinance in the case of a workman intending to cease to reside in the Territory, and of the order and the proceedings thereon; and of every certificate and declaration of identity and request for payment received from the workman, and of the proceedings thereon;
 - (23) a memorandum of every application to set aside or vary an award or order under Rule 72, and of the proceedings and order thereon;
 - (24) a memorandum of every certified copy of an award or order given pursuant to Rule 32;
 - (25) a memorandum of any other matter which the Court orders to be recorded with reference to any matter brought into or proceeding taken in the Court under the Ordinance.
- (3.) Entries made in the special register with respect to a matter brought into the Court under the Ordinance and subsequent proceedings in the Court in relation thereto shall be entered together and shall be kept separate from the entries with respect to any other matter.

88.—(1.) The forms in the First Schedule to these Rules, where applicable, and, where they are not applicable, forms of the like character, with such variations as the circumstances may require, shall be used in proceedings under the Ordinance. Forms in the Schedule or like forms to be used.

(2.) Want of accuracy in the completion of any form, or the use of a wrong form, shall not invalidate any proceedings, but the Court may in any such case, make any amendment or give such other direction, both as to costs and otherwise, as the circumstances require.

THE SCHEDULES.

THE FIRST SCHEDULE.

Form 1.

Rule 13.

APPLICATION FOR ARBITRATION BY INJURED WORKMAN WITH RESPECT TO THE
COMPENSATION PAYABLE TO HIM.

- A.B.
of [address] [description] Applicant,
and
- C.D.
of [address] [description] Respondent.
1. On the day of personal injury by accident
arising out of and in the course of his employment was caused to A.B.
a workman employed by C.D. [or by , a contractor
with C.D. for the execution of work undertaken by him].
2. A question has [or Questions have] arisen
[here state the questions, specifying only those which have arisen, e.g.]—
(a) as to whether the said A.B. is a workman to whom
the above-mentioned Ordinance applies; or
(b) as to the liability of the said C.D. to pay compensation
under the above-mentioned Ordinance in respect of the said injury;
or
(c) as to the amount [or duration] of the compensation payable by the
said C.D. to the said A.B. under the
abovementioned Ordinance in respect of the said injury.
[or as the case may be.]
3. An arbitration under the above-mentioned Ordinance is hereby requested
between the said A.B. and the said C.D. for the
settlement of the said question [or questions].
4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondent.
3. Nature of employment of applicant at time of accident, and whether
employed under respondent or under a contractor with him. [If employed
under a contractor who is not a respondent, name and place of business of
contractor to be stated.]
4. Date and place of accident, nature of work on which workman was then
engaged, and nature of accident and cause of injury.
5. Nature of injury.
6. Particulars of incapacity for work, whether total or partial, and estimated
duration of incapacity.
7. Average weekly earnings during the twelve months previous to the injury,
if the applicant had been so long employed under the employer by whom he
was immediately employed, or if not, during any less period during which he
has been so employed.
8. Average weekly amount which the applicant is earning or is able to
earn in some suitable employment or business after the accident.
9. Payment, allowance or benefit received from employer during the period
of incapacity.
10. Amount claimed as compensation.
11. Date of service of statutory notice of accident on respondent, and
whether given before workman voluntarily left the employment in which he
was injured. [A copy of the notice to be annexed.]
12. If notice not served, reason for omission to serve same.
The names and addresses of the applicant and his solicitor or agent are:
Of the applicant,
Of his solicitor (or agent),
The name and address of the respondent to be served with this application
are:

Dated this day of , 19
(Signed) Applicant.
[Or, Applicant's Solicitor.]
[Or, Agent.]

Form 2.

Rule 13.

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED
WORKMAN, WITH RESPECT TO THE COMPENSATION PAYABLE IN RESPECT OF THE
INJURY TO SUCH DEPENDANTS, WHERE DEATH HAS RESULTED FROM AN INJURY
TO THE WORKMAN, AND THE SETTLEMENT OF QUESTIONS AS TO WHO ARE
DEPENDANTS, AND THE APPORTIONMENT AND APPLICATION OF SUCH
COMPENSATION.

E.F.
of [address] [description] Applicant,
and

C.D.
of [address] [description]
and

G.H.
of [address] [description] Respondents.
[or as the case may be; see Rule 8.]

1. On the day of personal injury by accident
arising out of and in the course of his employment was caused to A.B.
late of deceased, a workman employed by C.D. [or by

THE FIRST SCHEDULE—continued.

a contractor with C.D. , for the execution of work undertaken by him], and on the day of the death of the said A.B. resulted from the injury.

2. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

- (a) as to whether the said A.E. was a workman to whom the above-mentioned Ordinance applied; or
- (b) as to the liability of the said C.D. to pay compensation under the above-mentioned Ordinance to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B. ; or
- (c) as to the amount of compensation payable by the said C.D. to the dependants of the said A.B. under the above-mentioned Ordinance in respect of the injury caused to them by the death of the said A.B. ; or
- (d) as to who are dependants of the said A.B. within the meaning of the above-mentioned Ordinance; or
- (e) as to the apportionment and application of the compensation payable by the said C.D. to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. , the legal personal representative of the said A.B. , acting on behalf of the dependants of the said A.B. , [or between E.F. , a dependant of the said A.B.] and the said C.D. , and G.H. , who claims or may be entitled to claim to be a dependant of the said A.B. [or as the case may be; see Rule 8.] for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident, and cause of injury.
5. Nature of injury to deceased, and date of death.
6. Earnings of deceased during the three years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the said employer.
7. Amount of weekly payments (if any) made to deceased under the Ordinance, and of any lump sum paid in redemption thereof.
8. Name and address of applicant for arbitration.
9. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
10. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.
11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).
12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.
13. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor or agent are:
Of the applicant,
Of his solicitor,
(Or, Agent.)

The names and addresses of the respondents to be served with this application are:

C.D. of
G.H. of

Dated this

day of

, 19
(Signed) Applicant.
[Or, Applicant's Solicitor.]
[Or, Agent.]

Form 3.

Rule 13.

APPLICATION FOR ARBITRATION AS TO WHO ARE DEPENDANTS, OR AS TO THE AMOUNT PAYABLE TO EACH DEPENDANT, WHERE THE TOTAL AMOUNT PAYABLE AS COMPENSATION TO THE DEPENDANTS OF A DECEASED WORKMAN HAS BEEN AGREED OR ASCERTAINED.

E.F.

of [address]

[description]
and

Applicant,

C.D.

of [address]
and

[description]

G. H.

of [address]
and

[description]

J.K.

of [address]
and

[description]

L.M.

of [address]

[description]

Respondents.

[or as the case may be; see Rule 9.]

1. On the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to A.B., _____, late of _____, deceased, a workman employed by C.D., _____ [or by a contractor with C.D., _____ for the execution of work undertaken by him] and on the _____ day of _____ the death of the said A.B. resulted from the injury.

2. The amount of compensation payable by the said C.D. _____ to the dependants of the said A.B. _____ under the above-mentioned Ordinance, in respect of the injury caused to them by the death of the said A.B. _____ has been agreed [or ascertained], but a question has [or questions have] arisen [here state the questions, specifying only those which have arisen; e.g.]—

(a) as to who are dependants of the said A.B. _____ within the meaning of the above-mentioned Ordinance, or

(b) as to the apportionment and application of the compensation payable to the dependants of the said A.B. _____

[or as the case may be.]

3. An arbitration under the above-mentioned Ordinance is hereby requested between E.F., _____, the legal personal representative of the said A.B. _____ acting on behalf of N.O. _____ P.R. _____ &c., dependants of the said A.B. _____ [or between E.F. _____ N.O. _____ P.R. _____ &c., dependants of the said A.B. _____], and the said C.D. _____ and G.H. _____ J.K. _____ and L.M. _____, who are or claim or may be entitled to claim to be dependants of the said A.B. _____, and the said C.D. _____ and G.H. _____ J.K. _____ and L.M. _____ who are or claim or may be entitled to claim to be dependants of the said A.B. _____

[or as the case may be; see Rule 9.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased workman.
2. Name and place of business of employer by whom compensation has been paid or is payable.
3. Date of accident to deceased, and date of death.
4. Agreed or ascertained amount of compensation to be paid to dependants of deceased.
5. Particulars as to whether the compensation money is still payable by the employer or has been paid by him, and if so, to whom, and in whose hands it now is.
6. Character in which the applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependent on the earnings of the deceased at the time of his death.
8. The like particulars as to any dependants who are made respondents.

[NOTE.—If there is a legal personal representative, and he is not the applicant, he must be made a respondent; see Rule 9.]

9. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names; addresses, descriptions, and occupations (if any).

10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied.

The names and addresses of the applicant and his solicitor or agent are:

Of the applicant,
Of his solicitor,
(Or, Agent.)

THE FIRST SCHEDULE—*continued.*

The names and addresses of the respondents to be served with this application are:

C.D.
G.H.
J.K.
L.M.

[or as the case may be.]

Dated this

day of

19

(Signed)

[Or

[Or,

Applicant.
Applicant's Solicitor.]
Agent.]

Form 4.

APPLICATION FOR ARBITRATION AS TO COMPENSATION PAYABLE IN RESPECT OF Rule 13.
EXPENSES OF MEDICAL ATTENDANCE AND BURIAL, WHERE DECEASED WORK-
MAN LEAVES NO DEPENDANTS.
E.F.

of [address]

[description]
and

Applicant,

C.D.

of [address]

[description]

and

G.H.

of [address]

[description]

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B., late of , deceased, a workman employed by C.D., [or by a contractor with C.D. , for the execution of work undertaken by him], and on the day of the death of the said A.B. resulted from the injury.

2. The said A.B. left no dependants within the meaning of the above-mentioned Ordinance.

3. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen; e.g.]—

- (a) as to whether the said A.B. was a workman to whom the above-mentioned Ordinance applied; or
- (b) as to the liability of the said C.D. to pay compensation under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. ; or
- (c) as to the amount of compensation payable by the said C.D. under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. ; or
- (d) as to the apportionment and application of the compensation payable by the said C.D. under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B.

[or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. and the said C.D. and G.H. for the settlement of the said question [or questions.]

5. Particulars are hereto appended [or annexed.]

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased at time of accident, and whether employed under respondent or under contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which deceased was then engaged, and the nature of accident and cause of injury.
5. Nature of injury to deceased and date of death.
6. Name and address of applicant for arbitration.
7. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased, or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant.
8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses.
9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied.
10. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]
11. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor or agent are:

Of the applicant,
Of his solicitor,
(Or, agent.)

THE FIRST SCHEDULE—continued.

The names and addresses of the respondents to be served with this application are:

C.D.
G.H.

Dated this

day of

, 19

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

[Or

Agent.]

Form 5.

Rule 13.

APPLICATION FOR ARBITRATION WITH RESPECT TO THE REVIEW, TERMINATION, DIMINUTION, INCREASE, OR REDEMPTION OF A WEEKLY PAYMENT.

C.D.,

of [address]

[description]

Applicant,

A.B.,

of [address]

[description]

[or as the case may be; see Ordinance, First Schedule, §§ 11, 12.]

*An arbitration under the *Workmen's Compensation Ordinance 1931*, is hereby requested between C.D. and A.B.

[or as the case may be; see Ordinance, First Schedule, §§ 11, 12.]

with respect to the review and termination [or diminution, or increase, or redemption, as the case may be] of the weekly payment payable to the said A.B. under the said Ordinance in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended [or annexed.]

PARTICULARS.

1. Name and address of injured workman.
 2. Name and place of business of employer by whom compensation is payable.
 3. Date and nature of accident.
 4. Date of agreement, decision, or award fixing weekly payment, amount of such payment, and date from which it commenced.
 5. Relief sought by applicant, whether termination, diminution, increase, or redemption.
 6. Grounds on which termination, diminution, or increase is claimed.
- The names and addresses of the applicant and his solicitor or agent are:
- Of the Applicant,
Of his Solicitor,
(Or, Agent.)

Then name and address of the respondent to be served with this application are:

Dated this

day of

, 19

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

[Or

Agent.]

Form 6.

Rules 13, 33.

APPLICATION FOR ARBITRATION BY WORKMAN DISABLED BY OR SUSPENDED ON ACCOUNT OF HAVING CONTRACTED INDUSTRIAL DISEASE COMING WITHIN SECTION 13.

A.B.

of [address]

[description]

Applicant,

and

C.D.

of [address]

[description]

Respondent

1. On the day of E.F., a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance 1931*, certified that A.B. of was suffering from a disease coming within section 13 of the said Ordinance, and was thereby disabled from earning full wages at the work at which he was employed.

[Or 1. On the day of A.B. of was in pursuance of [or regulations made under] the [give the short title of the Ordinance in question], suspended from his usual employment on account of his having contracted a disease coming within section 13 of the *Workmen's Compensation Ordinance 1931*.]

2. The said A.B. alleges that the above-mentioned disease is due to the nature of his employment in [describe employment], and that he was last employed in such employment within the twelve months previous to the date of disablement [or suspension] by C.D. of

3. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

(a) as to whether the said A.B. is a workman to whom the *Workmen's Compensation Ordinance 1931* applies; or

(b) as to the liability of the said C.D. to pay compensation under the *Workmen's Compensation Ordinance 1931*, in respect of the said disease [or suspension]; or

(c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D.; or

(d) as to whether the said disease is due to the nature of the employment of the said A.B. under the said C.D.; or

(e) as to the amount [or duration] of the compensation payable by the said C.D. to the said A.B. under the *Workmen's Compensation Ordinance 1931*, in respect of the said disease. [or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between the said A.B. and the said C.D. for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed.]

PARTICULARS.

1. Name and address of applicant.
 2. Name, place of business, and nature of business of respondent.
 3. Nature of employment of applicant under respondent to which the disease was due.
 4. Nature of disease.
 5. Date of disablement or suspension.
 6. Names and addresses of all other employers by whom applicant was employed in the same employment during the twelve months previous to date of disablement or suspension.
 7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
 8. Average weekly earnings during the twelve months previous to date of disablement or suspension, if the applicant has been so long employed under respondent, or if not, during any less period during which he has been so employed.
 9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business.
 10. Payment, allowance, or benefit received from employer during period of incapacity.
 11. Amount claimed as compensation.
 12. Date of service of statutory notice of disablement or suspension on respondent. *[A copy of the notice to be annexed.]*
 13. If notice not served, reason for omission to serve same.
- The names and addresses, &c. *[as in Form 1.]*

Form 7.

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED Rules 15, 53.
WORKMAN WHOSE DEATH HAS BEEN CAUSED BY INDUSTRIAL DISEASE.

E.F.
of [address] [description] Applicant,
and
C.D.
of [address] [description]
and
G.H.
of [address] [description] Respondents.
[or as the case may be; see Rule 8.]

1. On the day of J.K., a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance 1931*, certified that A.B. of was suffering from a disease coming within section 13 of the said Ordinance, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of the said A.B. died, his death being caused by the said disease.

[Or 1. On the day of A.B. of was in pursuance of [or regulations made under] the [give the short title of the Ordinance in question], suspended from his usual employment on account of his having contracted a disease coming within section 13 of the Workmen's Compensation Ordinance 1931, and on the day of the said A.B. died, his death being caused by the said disease.

[Or 1. On the day of A.B. late of died, his death being caused by a disease coming within section 13 of the Workmen's Compensation Ordinance 1931.]

2. The applicant alleges that the above-mentioned disease was due to the nature of the employment of the said A.B. in *[describe employment]*, and that he was last employed in such employment within the twelve months previous to his disablement or suspension *[or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death]* by C.D. of

3. A question has *[or questions have]* arisen *[here state the questions, specifying only those which have arisen; e.g.]—*

- (a) as to whether the said A.B. was a workman to whom the *Workmen's Compensation Ordinance 1931* applied; or
- (b) as to the liability of the said C.D. to pay compensation under the *Workmen's Compensation Ordinance 1931*, to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B. ; or
- (c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D. ; or
- (d) as to whether the said disease was due to the nature of the employment of the said A.B. under the said C.D. ; or
- (e) as to whether the death of the said A.B. was in fact caused by the said disease; or
- (f) as to the amount of compensation payable by the said C.D. to the dependants of the said A.B. under the above-mentioned Ordinance in respect of the injury caused to them by the death of the said A.B. ; or
- (g) as to who are dependants of the said A.B. within the meaning of the above-mentioned Ordinance; or
- (h) as to the apportionment and application of the compensation payable by the said C.D. to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.

[or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between E.F., the legal personal representative of the said A.B., acting on behalf of the dependants of the said A.B. *[or between E.F., a dependant of the said A.B., and the said C.D.]*

THE FIRST SCHEDULE—continued.

and G.H. , who claims or may be entitled to claim to be a dependant of the said A.B.

[or as the case may be; see Rule 8.]
for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased under respondent to which the disease was due.
4. Nature of disease.
5. Date of disablement, and date of death.
6. Earnings of deceased during the three years next preceding disablement, if he had been so long in the employment of the respondent, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the respondent.
7. Names and addresses of all other employees by whom deceased was employed in the same employment during the twelve months previous to the date of disablement.
8. Amount of weekly payments (if any) made to deceased under the Ordinance and of any lump sum paid in redemption thereof.
9. Name and address of applicant for arbitration.
10. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.
12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).
13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.
14. Date of service of statutory notice of disablement. [A copy of the notice to be annexed.]
15. If notice not served, reason for omission to serve same.
The names and addresses, &c. [as in Form 2.]

Form 8.

Rule 18.

NOTICE TO APPLICANT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[Heading as in Request for Arbitration.]

TAKE NOTICE that the Court will proceed with the arbitration in this matter
at on the day of
at the hour of o'clock in the noon.
Dated this day of , 19
To of
Clerk of the Court of Petty Sessions.

Form 9.

Rule 18.

NOTICE TO RESPONDENT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[Heading as in Request for Arbitration.]

TAKE NOTICE that the Court will proceed with the arbitration applied for in the request and particulars, a scaled copy of which is served herewith, at
on the day of
at the hour of o'clock in the noon; and that if
you do not attend either in person or by your solicitor (or, agent) at the time
and place above-mentioned such order will be made and proceedings taken as the
Court thinks just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the Court, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Ordinance, you must file with me an answer, stating your name and address and the name and address of your solicitor (or, agent) (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the Court, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the Court and a copy for the applicant and for each of the other respondents, must be filed with me seven (7) clear days at least before the day of

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of , 19
To of
Clerk of the Court of Petty Sessions.

THE FIRST SCHEDULE—continued.

Form 10.

AFFIDAVIT OF SERVICE.

Rule 19.

[Heading as in Request for Arbitration.]

I, (full name) (occupation) of in the Australian Capital Territory, being duly sworn make oath and saith as follows:—

1. I am over the age of 16 years.

2. I did on day of 19 , duly serve the above-named with the hereto annexed and marked

"A" by delivering a true copy thereof to him (personally or otherwise) at

Sworn at this day of 19 .
Before me—

Form 11.

ANSWER BY RESPONDENTS.

Rule 20.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondent, C.D., disclaims any interest in the subject-matter of the above arbitration.

Or,

That the respondent C.D. states that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

Or,

That the respondent, C.D., desires to bring to the notice of the Court the facts stated in the particulars hereto annexed.

Or,

That the respondent, C.D., intends at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or,

That the respondent, C.D., denies his liability to pay compensation under the Ordinance in respect of the injury to A.B., mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

PARTICULARS.

1. Particulars in which the particulars filed by the Applicant are inaccurate or incomplete—

2. Facts which the Respondent desires to bring to the notice of the Court—

That the applicant, A.B. refuses to submit himself to medical examination as required by [or obstructs the medical examination required by] the respondent, C.D., in accordance with paragraph 4 of the First Schedule to the Ordinance [or refuses to submit himself for examination by a medical referee as ordered] [or obstructs the examination by a medical referee ordered] in accordance with paragraph 10 of the First Schedule to the Ordinance.
[or as the case may be.]

3. Facts which the Respondent, C.D., intends to give in evidence and rely on at the hearing of the Arbitration—

That notice of the alleged accident [or of death, disablement, or suspension] was not given to the respondent as required by the Ordinance; or

That the claim for compensation was not made on the respondent within the time limited by the Ordinance; or

That a scheme of compensation [benefit or insurance] for the workmen of the respondent, C.D., has been duly certified by the Minister, and such certificate was in force at the date of the alleged accident, and the said C.D., contracted with the applicant, A.B., [or with the deceased workman], by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Ordinance, and the said C.D., is consequently liable only in accordance with the said scheme.
[or as the case may be.]

4. Grounds on which the Respondent denies his liability to pay compensation—

(i) That the applicant, A.B., is [or the deceased workman was] not a workman to whom the Ordinance applies; or

(ii) That the injury to the applicant [or to the deceased workman] was not caused by accident arising out of and in the course of his employment; or

(iii) That the injury to the applicant [or to the deceased workman] was attributable to the serious and wilful misconduct of the applicant [or of the deceased workman]; or

(iv) That at the time of the alleged accident the applicant [or the deceased workman] was not immediately employed by the respondent, but was employed by of a contractor with the respondent for the execution by or under such contractor of work undertaken by the respondent, and the accident occurred elsewhere than on, in or about premises on which the respondent had undertaken to execute the work or which were otherwise under the control and management of the respondent; or

(v) That the injury to the applicant [or to the deceased workman] was caused under circumstances creating a legal liability in a person other than the respondent, to wit, [name and address of such person] who pay damages in respect thereof, and the applicant [or the deceased workman] has taken proceedings against that person and has recovered damages from him; or

In case of industrial disease—

(vi) That the applicant [or the deceased workman] at the time of entering the employment of the respondent wilfully and falsely represented himself in writing as not having previously suffered from the disease mentioned in the applicant's particulars; or

THE FIRST SCHEDULE—continued.

- (vii) That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased workman] was in the employment of the respondent; or
- (viii) That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased workman] was employed by the respondent:

[or as the case may be.]

And further take notice, that the names and addresses of the said respondent and his solicitor (or, agent) are---

Of the Respondent, C.D.,
Of his Solicitor,
(Or, Agent).

Dated this day of , 19 .
(Signed) Respondent, C.D.
[or Solicitor for the Respondent, C.D.
 (or Agent).]

To the Clerk of the Court of Petty Sessions, and
To the Applicant, A.B., and
To the Respondents,
[if any, naming them].

Form 12.

Rule 21.

NOTICE BY RESPONDENT ADMITTING LIABILITY, AND SUBMITTING TO AN AWARD FOR PAYMENT OF A WEEKLY SUM, OR PAYING MONEY INTO COURT, OR SUBMITTING TO AN AWARD OR PAYING MONEY INTO COURT WITH A DENIAL OF LIABILITY.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondent, C.D., admits his liability to pay compensation in the above-mentioned matter.

And he hereby submits to an award for payment by him to the applicant, A.B., of the weekly sum of _____, such weekly payment to commence from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B., _____ for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Ordinance.

And for payment by him to the applicant forthwith after the award of the amount of such weekly payments calculated from the day of _____ until the first Friday [or other usual pay day] after the date of the award, and for the payment thereafter of the said sum of _____ to the applicant on Friday [or other usual pay day] in every week.

[Or, And the said C.D., herewith pays into Court the sum of _____ in satisfaction of such liability.]

[Or, where liability is denied,

TAKE NOTICE—

That the respondent, C.D.,
down to the words in every week.]

[Or, that the respondent, C.D., herewith pays into Court the sum of £ in satisfaction of the applicant's claim in the above-mentioned matter.]

- And further take notice, that, notwithstanding such submission [or payment] the respondent denies his liability.

And further take notice, that the address of the said respondent is as follows:—(state the address).]

Dated this _____ day of _____, 19____
(Signed) _____ Respondent, C.D.
[or Respondent's Solicitor.
(Or, Agent).]

To the Clerk of the Court of Petty Sessions, and
To the Applicant, A.B., and
To the Respondents,
[if any, naming them].

Form 13.

Rule 21.

NOTICE OF FILING OF SUBMISSION TO AN AWARD, OR OF PAYMENT INTO COURT IN
THE CASE OF AN INJURED WORKMAN.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondent, C.D., has this day filed with me a notice (copy of which is sent herewith) that he admits his liability to pay compensation in the above-mentioned matter, and submits to an award for payment by him to you of the weekly sum of £ in satisfaction of such liability].

'TAKE NOTICE—

That the respondent, C.D. _____, has this day filed with me a notice (copy of which is sent herewith) that he denies his liability to pay compensation in the above-mentioned matter, but that he submits to an award for payment by him to you of the weekly sum of _____ [or but that he has paid into Court the sum of £ _____ in satisfaction of your claim].

If you elect to accept such weekly sum [or the sum so paid into Court] in satisfaction of your claim, you must, within a reasonable time before the day fixed for proceeding with the arbitration, send by post to the Clerk of this Court, and to the said C.D., a written notice of such acceptance in the prescribed form, or leave such notice at the office of the Clerk, and at the residence or place of business of the said C.D.

If you send such notice, the Court will, on application made to it, make an award directing payment of such weekly sum to you [or directing payment of the said sum of £ to you, or applying the said sum of £ for your benefit], and you will be liable to no further costs.

THE FIRST SCHEDULE—continued.

In default of such notice, the arbitration will be proceeded with; and if no greater payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated this day of , 19 ,
Clerk of the Court of Petty Sessions.
To the Applicant, A.B.

Form 14.

NOTICE OF PAYMENT INTO COURT IN THE CASE OF DEATH.

Rule 21.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondent, C.D. , has this day filed with me a notice (copy of which is sent herewith) that he admits his liability to pay compensation in the above-mentioned matter, and has paid into Court the sum of £ in satisfaction of such liability.

[Or

TAKE NOTICE—

That the respondent, C.D. , has this day filed with me a notice (copy of which is sent herewith) that he denies his liability to pay compensation in the above-mentioned matter, but that he has paid into Court the sum of £ in satisfaction of the claim made herein.]

If you are willing to accept the sum so paid into Court in satisfaction of the compensation payable in the above-mentioned matter, you must send to the Clerk of this Court, and to the said C.D. , and to the other respondents [or, where this notice is sent to a respondent, to the applicant and other respondents], a written notice forthwith by post, or leave such notice at the office of the Clerk, and at the residence or place of business of the said C.D. , and at the residence or place of business of each of the other respondents [or of the applicant and each of the other respondents.]

If you and all the other respondents [or, If you and the applicant and all the other respondents] send such notice, and agree as to the apportionment and application of the said sum of £ , the Court will, on application made to it, make an award for such apportionment and application, and you will be liable to no further costs.

If you and all the other respondents [or, If you and the applicant and all the other respondents] send such notice, but do not agree as to the apportionment and application of the said sum of £ , the arbitration will be proceeded with as between you and such other respondents [or, as between the applicant and yourself and such other respondents.]

In default of such notice being sent by you and all the other respondents [or, by the applicant and yourself and all the other respondents], the arbitration will be proceeded with; and if no greater amount than the said sum of £ is awarded as compensation, the parties who do not send such notice will be liable to be ordered to pay the costs incurred by the respondent C.D. subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who send notice of their willingness to accept the said sum of £ in satisfaction of the compensation payable in the above-mentioned matter.

Dated this day of , 19 ,
Clerk of the Court of Petty Sessions.

To the Applicant, A.B.
[or, To the Respondent, G.H.]
(or as the case may be).

Form 15.

NOTICE OF ACCEPTANCE OF WEEKLY SUM OFFERED, OR OF WILLINGNESS TO ACCEPT SUM PAID INTO COURT. Rule 21.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the applicant, A.B., accepts the weekly sum offered by the respondent, C.D. [or the sum of £ paid into Court] in satisfaction of his claim in the above-mentioned matter [or that the applicant, E.F., [or the respondent, G.H.,] is willing to accept the sum of £ paid into Court by the respondent, C.D., in satisfaction of the compensation payable in the above-mentioned matter].

But the applicant [or the said respondent, G.H.] will apply to the Court to include in its award an order directing the said respondent, C.D., to pay the costs properly incurred by the applicant [or the said respondent, G.H.,] before the receipt of notice of the offer of the said weekly sum [or of notice of payment of the said sum of £ into Court], and his costs properly incurred in relation to the notice of the offer of the said weekly sum [or the notice of payment of the said sum of £ into Court], and to this notice, and in attending at the Court to obtain an award.

Dated this day of , 19 ,
(Signed) Applicant,
or Respondent.

To the Clerk of the Court of Petty Sessions, and
To the Respondent, C.D., and
To the Applicant, A.B., and
To the Respondents [naming them].

THE FIRST SCHEDULE—continued.

Form 16.

Rules 22, 33.

NOTICE BY RESPONDENT TO THIRD PARTIES.

(Heading as in Request for Arbitration.)

To _____, of _____ (address and description).
TAKE NOTICE that A.B. _____ of _____, has filed a request for arbitration (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondent, C.D. _____, to the said A.B. _____ in respect of personal injury caused to the said A.B. _____ by accident arising out of and in the course of his employment.

(Or, That E.F. _____ of _____ has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B. _____ deceased, in respect of the injury caused to the said dependants by the death of the said A.B. _____ which resulted from injury caused to the said A.B. _____ by accident arising out of and in the course of his employment.

(or as the case may be; see forms of request for arbitration.)

The respondent, C.D. _____, claims to be indemnified by you against his liability to pay such compensation, on the ground that at the time of the injury in respect of which compensation is claimed the said A.B. _____ was not immediately employed by the said C.D. _____, but was employed by you in the execution of work undertaken by the said C.D. _____, in respect of which the said C.D. _____ had contracted with you for the execution thereof by or under you.

(Or, on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part to pay damages in respect thereof.)

(or as the case may be.)

(Or, in case of industrial disease, The respondent, C.D. _____, claims to be entitled to contribution from you in respect of the compensation claimed from him, on the ground that the disease mentioned in the applicant's particulars was of such a nature as to be contracted by a gradual process, and that the said A.B. _____ was employed by you during the twelve months previous to the date of disablement or suspension in the employment to the nature of which the disease was due.)

And take notice, that if you wish to dispute the applicant's claim as against the respondent C.D. _____, or your liability to the said respondent, you must appear before the Court at the time and place mentioned in the notice, a copy of which is hereunto annexed.

In default of your so appearing, you will be deemed to admit the validity of any award made in the said arbitration as to any matter which the Court has jurisdiction to decide in such arbitration as between the applicant and the respondent, C.D. _____, whether such award is made by consent or otherwise, and your own liability to indemnify the said C.D. _____, (or to contribute as above mentioned).

Dated this _____ day of _____, 19____.
(Signed) _____ C.D.

(Or,
Solicitor or Agent for the Respondent, C.D.)

Form 17.

AWARD.

Rule 32.

[NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under Rule 32, in accordance with the directions given by the Court.]

(i) IN CASE OF APPLICATION BY WORKMAN.

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted, the Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

1. That the respondent, C.D. _____, do pay to the applicant, A.B. _____, the weekly sum of _____ as compensation for personal injury caused to the said A.B. _____ on the _____ day of _____, by accident arising out of and in the course of his employment as a workman employed by the said respondent, such weekly payment to commence as from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B. _____ for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Ordinance.

2. That the said C.D. _____ do forthwith pay to the said A.B. _____ the sum of £ _____ being the amount of such weekly payments calculated from the _____ day of _____ until the _____ day of _____ [first Friday or other usual pay day after date of award] and do thereafter pay the said sum of _____ to the said A.B. _____ on Friday [or other usual pay day] in every week.

3. That the said C.D. _____ do pay to the Clerk of this Court, for the use of the applicant, the sum of £ _____ being his costs of and incident to this arbitration, such costs to be taxed by the Clerk in the prescribed manner and to be paid by the said C.D. _____ to the Clerk within _____ days from [or forthwith after] the date of such taxation.

Dated this _____ day of _____, 19____.
J.S.
Magistrate.

(ii) IN CASE OF APPLICATION BY DEPENDANTS.

[Heading as in Request for Arbitration.]

Having duly considered the matter submitted, the Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

THE FIRST SCHEDULE—continued.

1. That the respondent, C.D., do pay the sum of £ to the dependants of A.B., late of , deceased, as compensation for the injury resulting to such dependants from the death of the said A.B., which took place on the day of from injury caused to the said A.B. on the day of by accident arising out of and in the course of his employment as a workman employed by the said respondent.

2. That the persons hereinafter named are entitled to share in such compensation as dependants of the said A.B., that is to say J.B., the widow of the said A.B., and [name the other persons.]

3. [Add, if so found.] That the respondent, G.H., the of the said A.B., is not entitled to share in such compensation as a dependant of the said A.B.

4. That the said sum of £ be apportioned between the said J.B. and [name the other persons] in the proportions following, that is to say:—

The sum of £ to or for the benefit of the said J.B., and the sum of £ to or for the benefit of the said [specify the persons entitled and the sums apportioned to them.]

5. That the said C.D. do pay the said sum of £ to the Clerk of this Court within days from [or forthwith after] the date of this award.

6. That on payment to the Clerk of the said sum of £ the Clerk do forthwith pay to the said J.B. the sum of £ hereby apportioned to her, [or the sum of £ out of the sum of £ hereby apportioned to her], and that the balance of the last-mentioned sum (less any Court fees payable by her) be invested by the Clerk in his name in the Commonwealth Savings Bank of Australia for the benefit of the said J.B., and that out of the sum so invested and the accruing interest thereof the Clerk do from time to time until further order pay to the said J.B. the weekly sum of £, the first payment to be made on the day of , and thereafter every fortnight [or every four weeks, or as the case may be].

7. That on payment to the Clerk of the said sum of £ the sums of £ and £ hereby apportioned to or for the benefit of the said respectively (less any Court fees payable by them) be invested by the Clerk in his name in the said Savings Bank for the benefit of the said and respectively, and that interest arising from such investments be from time to time until further order paid to the said J.B., to be by her applied for the maintenance, education, or benefit of the said and respectively.

8. That the said J.B. and the said or any of them be at liberty to apply to the Court from time to time as they may be advised for any further or other order as to the application of any of the said sums so ordered to be invested and the accruing interest thereof.

9. That the said C.D. do pay to the Clerk of this Court, for the use of the applicants, the sum of £ being their costs of and incident to this arbitration, such costs to be taxed by the Clerk in the prescribed manner and to be paid by the said C.D. to the Clerk within days from [or forthwith after] the date of such taxation.

[Add directions (if any given) as to costs occasioned by claim of person claiming as a dependant whose claim is disallowed.]

Dated this day of , 19 J.S. Magistrate.

(Hi) IN CASE OF APPLICATION BY PERSON TO WHOM EXPENSES OF MEDICAL ATTENDANCE OR BURIAL ARE DUE.

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted, the Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

1. That the respondent, C.D., do pay the sum of £ for or towards the expenses of medical attendance on and the burial of A.B., late of , deceased, who died on the day of from injury caused on the day of by accident arising out of and in the course of the employment of the said A.B. as a workman employed by the said C.D.

2. That the persons hereinafter named are entitled to share in such compensation, that is to say:

The applicant, E.F., in respect of charges amounting to £ due to (or payable by) him for medical attendance on the said A.B., and the respondent, G.H., in respect of charges amounting to £ due to him for the burial of the said A.B.

3. That the respondent, C.D., do pay the said sum of £ to the Clerk of this Court within days from the date of this award, and that the said sum of £ be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. That the said C.D. do pay to the Clerk of this Court for the use of the applicant, E.F., and the respondent, G.H., the sum of £ being their respective costs of and incident to this arbitration; such costs to be taxed by the Clerk in the prescribed manner and to be paid by the said C.D. within days from (or forthwith after) the date of such taxation.

Dated this day of , 19 J.S. Magistrate.

[NOTE.—The above forms will serve as guides for framing awards in other cases.]

THE FIRST SCHEDULE—continued.

Form 18.

Form 32.

NOTICE TO PARTY OF DAY ON WHICH AWARD WILL BE SETTLED.

[Heading as in Request for Arbitration.]

TAKE NOTICE that the form of Award herein will be settled at the Office of the Clerk of the Court of Petty Sessions, Canberra on the day of 19, at a.m. p.m.

Dated this day of 19, 19 Clerk of the Court of Petty Sessions.
To the and to

Rule 32.

Form 19.

APPLICATION FOR CERTIFICATE OF AWARD.

[Heading as in Request for Arbitration.]

Application is hereby made by A.B. for a certificate of the Clerk of the Court of Petty Sessions to the effect that an award or order of the said Court for payment of the sum of £ was entered up or made in favour of the applicant against the respondent on the day of 19

Dated this day of 19, 19 (Signed)

Applicant.
(Or Applicant's Solicitor,
Or, Agent.)

Rule 32.

Form 20.

WORKMEN'S COMPENSATION ORDINANCE 1931.

Certificate of Award.

Title and date of commencement.	Form or nature of proceedings.	Name and address of person in whose favour award or order has been entered up or made.	Name and address of debtor.	Date of award or order.	Abstract of award or order.

I certify that this Certificate correctly and fully sets forth the particulars of an award or order of the Court of Petty Sessions, Canberra, entered up or made on the day of 19, 19

Dated this day of 19, 19 Clerk of the Court of Petty Sessions.

Rule 32.

Form 21.

APPLICATION FOR ADDITION OF EMPLOYER AS RESPONDENT UNDER SECTION 13 OF THE ORDINANCE.

[Heading as in Request for Arbitration].

TAKE NOTICE—

That the respondent, C.D., alleges that the disease mentioned in the applicant's particulars filed in this matter was in fact contracted while the applicant [or the deceased workman] was in the employment of of and not whilst in the employment of the said C.D. [or as the case may be.]

And the said C.D. hereby applies for an order that the said be joined as respondent in the above arbitration, and if necessary for an adjournment of the hearing of the arbitration.

Dated this day of 19, 19 (Signed) C.D.

[Or, Solicitor (or, Agent) for the Respondent, C.D.]
To the Clerk of the Court of Petty Sessions.

Rule 33.

Form 22.

ORDER ADDING RESPONDENTS.

[Heading as in Request for Arbitration.]

It is this day ordered on the application of the respondent, C.D., that of be added as respondent to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon].
Clerk of the Court of Petty Sessions.

Rule 33.

Form 23.

NOTICE TO APPLICANT AND ORIGINAL RESPONDENT OF ADDITION OF RESPONDENT.
[Heading as in Request for Arbitration.]

TAKE NOTICE—

That by order dated the day of it was ordered on the application of the respondent, C.D., (a copy whereof is hereto annexed), that of be added as respondent to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon].

Dated this day of 19, 19 Clerk of the Court of Petty Sessions.

To the Applicant
and
The Respondent, C.D.

THE FIRST SCHEDULE—continued.

Form 24.

NOTICE TO PARTIES WHO ARE ADDED AS RESPONDENTS.

Rule 33.

[Heading as in Request for Arbitration.]

To
TAKE NOTICE—, of [address and description].

That by an order of this Court, dated the day of , a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further take notice, that the hearing of the above arbitration has been appointed for the day of at o'clock in the noon, and that if you do not attend, either in person or by your solicitor (or, agent), at the at upon the day and at the hour above mentioned such order will be made and proceedings taken as the Court may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the Court, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Ordinance, you must file with me an answer, stating your name and address and the name and address of your solicitor (or, agent) (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the Court, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the Court, and a copy for the applicant and for each of the other respondents, must be filed with me seven (7) clear days at least before the day of .

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of , 19 .
Clerk of the Court of Petty Sessions.

Form 25.

APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR.

Rule 34.

[Heading as in Request for Arbitration.]

A.B.
of [address] [description] Applicant,
and

C.D.
of [address] [description] Respondent.

Application is hereby made to the Court on behalf of the above-named to appoint a new arbitrator in the above-mentioned matter in the place of Mr. , the arbitrator appointed therein, by reason of the death [or refusal] [or inability] to act] of the said Mr. .

And the applicant hereby requests that a time and place may be fixed for the hearing of the application.

Dated this day of , 19 .
(Signed) Applicant.
[Or Applicant's Solicitor or Agent.]

Form 26.

SUMMONS ON APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR.

Rule 34.

[Title as in Application.]

You are hereby summoned to attend before the Court of Petty Sessions, Canberra, on the day of at the hour of in the noon, on the hearing of an application on the part of for the appointment by the Court of a new arbitrator in the above-mentioned matter in the place of Mr. , the arbitrator appointed therein, by reason of the death [or refusal] [or inability] to act] of the said Mr. .

And take notice, that in default of your attendance at the time and place above-mentioned, the Court will, on proof of the service of this summons, proceed to hear and dispose of the said application.

Dated this day of , 19 .
To Clerk of the Court of Petty Sessions.
and to his Solicitor or Agent.

Form 27.

FORM OF MEMORANDUM UNDER PARAGRAPH 8 OF SECOND SCHEDULE.

Rule 35.

(i) In case of Injury to Workman by Accident.

To the Clerk of the Court of Petty Sessions, Canberra.

In the matter of the Workmen's Compensation Ordinance 1931,
and

In the matter of an arbitration between [name]
of [address] [description] Applicant,
and [name]
of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration].

In the matter of an Agreement between [name]
of [address] [description]
and [name]
of [address] [description]

Be it remembered, that on the day of , 19 , personal injury was caused at [state place of accident] to the above-named , a workman under no legal disability, for an infant of the age of years, by accident arising out of and in the course of his employment.

THE FIRST SCHEDULE—continued.

And that on the day of 19, the following agreement was come to by and between the said and the said, that is to say: [or And that on the day of 19, the following decision was given by a committee representative of the said and their workmen, having power to settle matters under the above-mentioned Ordinance in the case of the said and their workmen, that is to say:] [or And that on the day of 19, the following award was made and given by me, the undersigned, being an arbitrator agreed on by the said and the said, that is to say:]

[Here set out a copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add—

A copy of the report of, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.]

[Add, if so, The said attended the arbitration on the day of 19.]

You are hereby requested to record this memorandum, pursuant to paragraph 8 of the Second Schedule to the above-mentioned Ordinance.

Dated this day of 19.

[To be signed in accordance with Rule 36 (1.), (2.).]

[NOTE.—This form to be adapted to the circumstances of the case and the matter decided.]

(ii) In the case of Injury to Workmen by Industrial Disease.

To the Clerk of the Court of Petty Sessions.

In the matter of the Workmen's Compensation Ordinance 1931, and

In the matter of an Arbitration between [name] of [address] [description] Applicant, and [name] of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an Agreement between [name] of [address] [description] and [name] of [address] [description]

Be it remembered that on the day of, a medical referee, appointed for the purposes of the Workmen's Compensation Ordinance 1931, certified that A.B., of, a workman under no legal disability [or an infant of the age of years], was suffering from, a disease coming within section 13 of the Workmen's Compensation Ordinance 1931, and was thereby disabled from earning full wages at the work at which he was employed.

[or That on the day of, A.B. of, a workman under no legal disability [or an infant of the age of years] was, in pursuance of [or regulations made under] the [give the short title of the Ordinance in question] suspended from his usual employment on account of his having contracted, a disease coming within section 13 of the Workmen's Compensation Ordinance 1931.

And that the said A.B. alleged that the above-mentioned disease was due to the nature of his employment in [describe employment], of, and that he was last employed in such employment within the twelve months previous to the date of disablement or suspension by C.D., of

And that on the day of 19, the following agreement was come to by and between the said and the said, that is to say:

[or And that on the day of 19, the following decision was given by a committee representative of the said and their workmen, having power to settle matters under the above-mentioned Ordinance in the case of the said and their workmen, that is to say:]

[or And that on the day of 19, the following award was made and given by me, the undersigned, being an arbitrator agreed on by the said and the said, that is to say:]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add—

A copy of the report of E.F., a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said E.F. attended the arbitration on the day of 19.]

You are hereby requested to record this memorandum, pursuant to paragraph 8 of the Second Schedule to the above-mentioned Ordinance.

Dated this day of 19.

[To be signed in accordance with Rule 36 (1.), (2.).]

[NOTE.—This form to be adapted to the circumstances of the case and the matter decided.]

(iii) Where Death resulted from the Injury.

To the Clerk of the Court of Petty Sessions, Canberra.

In the matter of the Workmen's Compensation Ordinance 1931, and

In the matter of an arbitration between [name] of [address] [description] Applicant, and [name] of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an Agreement between [name] of [address] [description] and [name] of [address] [description]

Be it remembered, that on the day of 19, personal injury was caused at [state place of accident] to late of, deceased, by accident arising out of and in the course of his employment, and

THE FIRST SCHEDULE—continued.

that on the day of 19, the said died as the result of such injury.
 And that on the day of 19, the following agreement was come to by and between the dependants of the said within the meaning of the above-mentioned Ordinance, and the said that is to say:
 [Or And that on the day of 19, the following decision was given by a committee representative of the said and their workmen, having power to settle matters under the above-mentioned Ordinance in the case of the said and their workmen that is to say:]
 [Or And that on the day of 19, the following award was made and given by me, the undersigned, being an arbitrator agreed on by the dependants of the said, within the meaning of the above-mentioned Ordinance, and the said, that is to say:]

[Here set out copy of agreement, decision, or award.]

If a medical referee has been appointed to report, add—

A copy of the report of E.F., a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said E.F. attended the arbitration on the day of 19.]

You are hereby requested to record this memorandum, pursuant to paragraph 8 of the Second Schedule to the above-mentioned Ordinance.

Dated this day of 19.

[To be signed in accordance with Rule 36 (1.), (2).]

[NOTE.—This form to be adapted to the circumstances of the case and the matter decided.]

(iv) Where Death resulted from Industrial Disease.

To the Clerk of the Court of Petty Sessions, Canberra.

In the matter of the Workmen's Compensation Ordinance 1931.

and

In the matter of an arbitration between [name]

of [address]

[description]

Applicant,

and [name]

of [address]

[description]

Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an Agreement between of

and

of

Be it remembered, That on the day of a medical referee appointed for the purpose of the Workmen's Compensation Ordinance 1931 certified that A.B. of was suffering from a disease coming within section 13 of the said Ordinance, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of the said A.B. died, his death being caused by the said disease;

[Or, That on the day of A.B. of was, in pursuance of [or regulation made under] the [give short title of the Ordinance in question], suspended from his usual employment on account of his having contracted a disease coming within section 13 of the Workmen's Compensation Ordinance 1931, and on the day of said A.B. died, his death being caused by the said disease:]

[Or, That on the day of A.B. late of died, his death being caused by a disease coming within section 13 of the Workmen's Compensation Ordinance 1931:

And that the dependants of the said A.B. alleged that the above-mentioned disease was due to the nature of the employment of the said A.B. in [describe employment] and that he was last employed in such employment within twelve months previous to his disablement or suspension [or, if the workman died without having obtained a certificate of disablement, or was at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by C.D. of.]

And that on the day of 19, the following agreement was come to by and between the dependants of the said, within the meaning of the above-mentioned Ordinance, and the said that is to say:

[Or And that on the day of 19, the following decision was given by a committee representative of the said and their workmen, having power to settle matters under the above-mentioned Ordinance in the case of the said and their workmen, that is to say:]

[Or And that on the day of 19, the following award was made and given by me, the undersigned, being an arbitrator agreed on by the dependants of the said, within the meaning of the above-mentioned Ordinance, and the said, that is to say.]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add:—

A copy of the report of E.F., a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.]

[Add, if so, The said E.F. attended the arbitration on the day of 19.]

You are hereby requested to record this memorandum, pursuant to paragraph 8 of the Second Schedule to the above-mentioned Ordinance.

Dated this day of 19.

[To be signed in accordance with Rule 36 (1.) (2).]

[NOTE.—This form to be adapted to the circumstances of the case and the matter decided.]

THE FIRST SCHEDULE—continued.

Form 28.

INFORMATION TO BE SUPPLIED WHERE A MEMORANDUM OF AGREEMENT MADE BEFORE ASCERTAINMENT OF COMPENSATION FOR PAYMENT OF A LUMP SUM BY WAY OF COMPROMISE AND SATISFACTION, OR AN AGREEMENT AS TO THE REDEMPTION OF A WEEKLY PAYMENT BY A LUMP SUM, OR AS TO THE AMOUNT OF COMPENSATION PAYABLE TO A PERSON UNDER ANY LEGAL DISABILITY, OR TO DEPENDANTS, IS PRESENTED FOR REGISTRATION.

A. In case of agreement with injured workman.

[Heading as in Memorandum.]

2nd Schedule,
§ 8; rr. 35 and
44.

(a) A.B. named in the memorandum of agreement presented for registration in this matter was at the date of the accident [or disablement or suspension] years of age.

(b) He was employed as , and his average weekly earnings computed in accordance with the above-mentioned Ordinance were .

(c) He was injured by , and the nature of his injury was as follows:—

(d) He was totally incapacitated for work for a period of , but recovered and was fit to resume his ordinary work on the day of , 19 :

[or He was and is at present totally incapacitated for work, but is expected to recover and to be fit to resume his ordinary work in about]:

[or He was totally incapacitated for work for a period of , and is now partially incapacitated, but such partial incapacity is not likely to be permanent, and he is expected to recover and to be fit to resume his ordinary work in about]:

[or He was and is totally incapacitated for work, and such incapacity is likely to be permanent]:

[or He was totally incapacitated for work for a period of , and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of in some suitable employment or business]:

[or as the case may be].

(e) The said received the following payments, allowances, or benefits from his employers previous to the date of the agreement, viz.:—

[Here state payments made, and where a weekly payment has been made, the amount of such payment, and the period for which it was paid.]

[To be signed in accordance with Rule 36 (2).]

Dated this day of , 19 .

B. Where death resulted from the injury or industrial disease.

[Heading as in Memorandum.]

(a) A.B. named in the memorandum of agreement presented for registration in the matter, was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of during the three years next preceding the injury in the said memorandum mentioned [or his average weekly earnings during the period of his employment under] were .

(c) He left the following dependants wholly dependent upon his earnings, and the following dependants partially dependent, viz.:—

[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]

[Or He left no dependants wholly dependent upon his earnings, but left the following dependants partially dependent, viz.:—

[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]

(d) The said received the following payments, allowances, or benefits from his employers after the accident [or disablement or suspension] viz.:—

[To be signed in accordance with Rule 36 (2).]

Dated this day of , 19 .

Form 29.

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

[Heading as in Memorandum.]

Rule 37.

TAKE NOTICE, that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within seven days from this date whether you admit the genuineness of the memorandum or whether you dispute its genuineness, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, it will not be recorded, except with your consent in writing, or by order of this Court.

Dated this day of , 19 .

To [all parties interested.]

Clerk of the Court of Petty Sessions.

Form 30.

Rule 30.

NOTICE DISPUTING GENUINENESS OF MEMORANDUM; OR NOTICE BY EMPLOYER OBJECTING TO MEMORANDUM BEING RECORDED.

[Heading as in Memorandum.]

(1) Notice disputing Genuineness of Memorandum.

TAKE NOTICE that [state name of party disputing], a party [or parties] interested, disputes [or dispute] the genuineness of the memorandum

THE FIRST SCHEDULE—continued.

sent to you for registration in the above-mentioned matter on the following grounds:—

[here state the grounds, as e.g.]

- (a) That no such agreement has in fact been entered into; or
- (b) That the terms of the agreement are not correctly stated in the memorandum of agreement; or
- (c) That the agreement is no longer subsisting or enforceable; or
- (d) That the agreement is not enforceable by reason of its having been entered into under a mutual mistake [or having been obtained by fraud] [or undue influence] [or improper means].

Dated this day of , 19 .
[To be signed by the party disputing or his solicitor (or agent), or in case of employers by their duly authorised official, employee, or agent.]

To the Clerk of the Court of Petty Sessions, Canberra.

(2) Notice by Employer objecting to Memorandum being recorded.

TAKE NOTICE that [state name of employer] objects [or object] to the memorandum sent to you for registration in the above-mentioned matter being recorded on the ground that the above-mentioned [workman] has in fact returned to work and is earning the same wages as he did before the accident.

Dated this day of .
[To be signed by the employer or his solicitor (or agent) or duly authorized official, employee, or agent.]
To the Clerk of the Court of Petty Sessions, Canberra.

Form 31.

NOTICE THAT GENUINENESS OF MEMORANDUM IS DISPUTED, OR OF OBJECTION BY Rule 40.
EMPLOYER TO MEMORANDUM BEING RECORDED.

[Heading as in Memorandum.]

TAKE NOTICE, that of , a party [or parties] interested in the memorandum left with [or sent to] me for registration in the above-mentioned matter, has [or have] filed with me a notice, copy of which is sent herewith, that he disputes [or they dispute] the genuineness of the said memorandum on the grounds stated in the said notice.

[or TAKE NOTICE, that of [the employer] has [or have] filed with me a notice, copy of which is sent herewith, that he objects [or they object] to the memorandum left with [or sent to] me for registration in the above-mentioned matter being recorded on the grounds stated in the said notice.]

The memorandum will therefore not be recorded, except with the consent in writing of the said , or by order of this Court.

Dated this day of , 19 .
To [all parties interested.]

Clerk of the Court of Petty Sessions.

Form 32.

NOTICE OF APPLICATION FOR REGISTRATION OF MEMORANDUM OR FOR Rule 43.
RECTIFICATION OF REGISTER.

[Heading as in Memorandum.]

TAKE NOTICE, that I intend to apply to the Court of Petty Sessions, Canberra, on the day of , at the hour of o'clock in the noon [in case of notice by solicitor or agent, on behalf of of] for an order for the registration of the memorandum sent to the Clerk in the above-mentioned matter [or for an order for the rectification of the memorandum recorded in the above-mentioned matter] by [state particulars of rectification applied for] , and for consequential directions, and for costs.

Dated this day of , 19 .
Applicant.
[Or Applicant's Solicitor or Agent.]

To the Clerk of the Court of Petty Sessions
and to [all parties interested.] (his [or their] Solicitors).

Form 33.

REQUEST FOR INFORMATION UNDER RULE 44, SUB-RULE (2.). Rule 44 (2).

[Heading as in Memorandum.]

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration, I have to request you to inform me, by letter or by personal interview at my office situate at Acton, Canberra, of any facts relating to the agreement and the circumstances in which it was arrived at which you may desire to bring to my notice, and which may assist me in deciding whether the agreement may properly be recorded.

Dated this day of , 19 .
Clerk of the Court of Petty Sessions.
To [all parties interested.]

Form 34.

NOTICE TO PARTIES WHERE CLERK REFERS THE QUESTION OF RECORDING A Rule 44 (5).
MEMORANDUM OF AN AGREEMENT TO THE COURT UNDER PROVISIO (d) TO
PARAGRAPH 8 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

TAKE NOTICE, that I have refused to record the memorandum sent to me in this matter for registration, and have referred the matter to the Court, pursuant to proviso (d) to paragraph 8 of the Second Schedule to the Ordinance, it appearing to me that the said memorandum ought not to be registered by reason of—

- (a) the inadequacy of the lump sum agreed to be paid by way of compromise in satisfaction of all claims [or in redemption of the weekly payment referred to in the memorandum]; or

THE FIRST SCHEDULE—continued.

- (b) the inadequacy of the amount of compensation agreed to be paid to , a person under legal disability; or
(c) the inadequacy of the amount of compensation agreed to be paid to , and , dependants; or
(d) the agreement having been obtained by fraud [or undue influence or improper means].

AND FURTHER TAKE NOTICE, that by order of the Court, you are hereby summoned to attend before the Court of Petty Sessions to be holden at Canberra on the day of at the hour of in the noon, when the matter will be inquired into by the Court.

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned such order will be made and proceedings taken as the Court may think just and expedient.

Dated this day of , 19 .
Clerk of the Court of Petty Sessions.
To [all parties interested.]

Form 35.

Rule 45 (1). APPLICATION FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER PROVISIO (e) TO PARAGRAPH 8 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

TAKE NOTICE, that I intend to apply to the Court of Petty Sessions at Canberra on the day of at the hour of in the noon, for an order for the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the day of , pursuant to proviso (e) to paragraph 8 of the Second Schedule to the above-mentioned Ordinance, on the ground that the said agreement was obtained by fraud [or undue influence or improper means], and for consequential directions, and for costs.

Dated this day of , 19 .
Applicant.
[Or Applicant's Solicitor or Agent.]

To the Clerk of the Court of Petty Sessions
and to [all parties interested.]

Form 36.

Rule 45 (2). NOTICE TO PARTIES WHERE THE COURT DIRECTS INQUIRY AS TO REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER PROVISIO (e) TO PARAGRAPH 8 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

WHEREAS it has been made to appear to the Court that an inquiry should be held as to the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the day of , pursuant to proviso (e) to paragraph 8 of the Second Schedule to the above-mentioned Ordinance, on the ground that the said agreement was obtained by fraud [or undue influence or improper means]:

TAKE NOTICE, that you are hereby summoned to attend before the Court of Petty Sessions to be holden at Canberra on the day of at the hour of in the noon, when the matter will be inquired into by the Court;

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned such order will be made and proceedings taken as the Court may think just and expedient.

Dated this day of , 19 .
Clerk of the Court of Petty Sessions.
To [all parties concerned.]

Form 37.

Rule 47. NOTICE OF APPLICATION FOR SUSPENSION OF RIGHT TO COMPENSATION OR TO TAKE OR PROSECUTE PROCEEDINGS IN RELATION TO COMPENSATION, OR OF RIGHT TO WEEKLY PAYMENTS, UNDER PARAGRAPH 4, PARAGRAPH 9, OR PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE ORDINANCE AND RULE 47.

In the matter of a claim for compensation made by A.B. of against C.D. , of

[or, where an arbitration is pending,
In the matter of an arbitration between
A.B.

of [address] [description] Applicant.
and

C.D. of [address] [description] Respondent.

[or, where application is made after weekly payment has been settled,

In the matter of an agreement [or a decision or an award] recorded in the above-mentioned Court as to the weekly payment payable to A.B. of by C.D. , of .]

TAKE NOTICE, that I intend to apply to the Court of Petty Sessions at Canberra on the day of at the hour of in the noon, [on behalf of C.D., of etc. ,] for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceeding under the above-mentioned Ordinance in relation to compensation [or suspending your right to weekly payments in the above-mentioned matter], on the ground that you refuse to submit yourself to medical examination as required by me [or by the said C.D.], in accordance with paragraph 4 [or paragraph 9] of the First Schedule to the Ordinance [or that you obstruct the medical examination required by me [or the said C.D.], in accordance with paragraph 4 [or paragraph 9] of the First Schedule to the Ordinance [or on the ground that you refuse to submit yourself for examination by a medical

THE FIRST SCHEDULE—continued.

referee as required under paragraph 10 of the First Schedule to the Ordinance, or that you obstruct the medical referee to whom a matter has been referred under paragraph 10 of the First Schedule to the Ordinance], and for consequential directions, and for costs.

Dated this _____ day of _____, 19 ____ .
 _____ (Signed) C.D.,
[Or
Solicitor or Agent for C.D.]

To A.B., of
and to
his solicitor or agent.

Form 38.

PRÆCIPUE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST Rule 49 (3).
SCHEDULE TO THE ORDINANCE AND RULE 49.

In the matter of an arbitration between

A.B. _____ of, &c., _____ Applicant.

C.D., _____ and _____
of, &c., _____ Respondent.

or

[In the matter of an Agreement between

A.B.,
of, &c. and

C.D., of, &c.,

[or as the case may be.]

TAKE NOTICE, that C.D. _____, of _____ [or _____ solicitor
or agent for C.D. _____, of _____] pays into Court _____ [when
paid by solicitor or agent, add at the request and by the authority of the said
C.D. _____], the sum of [state the sum in letters] _____, being
the sum awarded [or agreed] to be paid by the said C.D. _____, as
compensation in the above-mentioned matter.

Dated this _____ day of _____, 19____.

(Signed) _____ C.D.,
[Or
Solicitor or Agent for C.D.]

To the Clerk of the Court of Petty Sessions.

NOTE.—A receipt for the money paid in with this præcipe is to be given on the usual form used by the Clerk, with the following addition:—"being the sum awarded [or agreed] to be paid by C.D. in the matter of an arbitration [or an agreement] between A.B. and C.D."

Form 39.

NOTICE BY THE CLERK OF PAYMENT INTO COURT UNDER RULE 49. Rule 49.
(Heading as in *Præcipe for Payment into Court.*)

TAKE NOTICE, that the sum of £ has been paid into Court as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with the Ordinance, and the Rules made under the said Ordinance.

To _____ Dated this _____ day of _____, 19____.

Clerk of the Court of Petty Sessions.

Form 40.

APPLICATION FOR INVESTMENT AND APPLICATION OF SUM PAID INTO COURT Rules 49, 50,
UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE. 51 (3).

(Heading as in Præcipe for Payment into Court.)

TAKE NOTICE, that I (*name and address of applicant*) intend to apply to the Court of Petty Sessions at Canberra on the _____ day of _____, at the hour of _____ in the _____ noon, on behalf of myself and of _____ (*specify the persons on whose behalf the application is made*), as dependants of the above-named A.B., for an order for the investment and application of the sum paid into Court in the above-mentioned matter, and for the allotment of the same between the dependants of the said A.B.

To the best of my knowledge and belief the persons interested in the said sum as dependants of the said A.B. are—

[State dependants, with their ages and relationship to deceased workman, and places of residence.]

I intend to apply for an order for the investment and application of the said sum, and for the allotment of the same between the dependants of the said A.B. as follows, viz.:-

[State how applicant wishes the sum to be dealt with.]

or in such other manner as the Court in its discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Ordinance, and for consequential directions.

Dated this _____ day of _____, 19____
(Signed) _____

To the Clerk of the Court of Petty Sessions and [to any other parties interested, where the application is made on behalf of some only of the parties interested.]

THE FIRST SCHEDULE—continued.

Form 41.

Rules 49, 50,
61 (3).

APPLICATION FOR INVESTMENT AND APPLICATION OF THE AMOUNT ALLOTTED TO ANY PERSON.

(Heading as in *Præcipe for Payment into Court.*)

TAKE NOTICE that I [name and address of applicant] intend to apply to the Court of Petty Sessions at Canberra on the day of , at the hour of in the noon, on behalf of myself [or of] for an order for the investment and application of the sum paid into Court in the above-mentioned matter and allotted to me [or to the said].

I intend to apply for an order for the investment and application of the said sum as follows, viz.:—

[State how applicant wishes the sum to be dealt with.]

or in such other manner as the Court in its discretion thinks fit for my benefit [or for the benefit of the said], and for consequential directions.

Dated this day of , 19

(Signed)

To the Clerk of the Court of Petty Sessions.

Form 42.

Rule 50.

PRÆCIPLE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE, 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 by accident to A.B. , late of which resulted in the death of the said A.B.

TAKE NOTICE—

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused at [state place of accident] to A.B. , late of deceased, a workman employed by , [or by], a contractor with for the execution of work undertaken by them], and on the day of the death of the said A.B. resulted from the injury.

[Or in the case of industrial disease.

TAKE NOTICE—

1. That on the day of E.F. , a medical referee certified that A.B. of was suffering from a disease coming within section 13 of the said Ordinance, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of the said A.B. died, his death being caused by the said disease.]

[Or, That on the day of A.B. , of was in pursuance of [or regulations made under] the [give the short title of the Ordinance in question], suspended from his usual employment on account of his having contracted a disease coming within section 13 of the Workmen's Compensation Ordinance 1931, and on the day of the said A.B. died, his death being caused by the said disease.]

[Or, That on the day of A.B. late of died, his death being caused by a disease coming within section 13 of the Workmen's Compensation Ordinance 1931;

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

2. There is no dispute as to the liability of the said to pay compensation under the above-mentioned Ordinance to the dependants of the said A.B. in respect of the injury caused to them by the death of the said 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. The said 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 said] the sum of [state sum in letters] being the amount admitted by the said to be payable by him as compensation in the above-mentioned matter.

4. (a) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of the said during the three years next preceding the injury [or disablement or suspension or death] or his average weekly earnings during the period of his employment under the said] were

5. To the best of the knowledge and belief of the said the persons interested in the said sum as dependants of the said A.B. are

[State dependants, with their ages and relationship to deceased workman, and places of residence, as far as known.]

6. The amount admitted by the said to be payable as compensation has been arrived at as follows, viz.:—

Dated this day of , 19

(Signed)

[or]

Solicitor or Agent for]

To the Clerk of the Court of Petty Sessions.

NOTE.—A receipt for the money paid in with this præcipe is to be given on the usual form used by the Clerk, with the following addition:—"being the amount admitted by C.D. to be payable by him as compensation in respect of an injury by accident resulting in the death of A.B."

Form 43.

PRÆCIPUE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE Rule 51.
TO THE ORDINANCE AND RULE 51, WHERE LIABILITY TO PAY COMPENSATION
IS DENIED, BUT THE EMPLOYER IS WILLING TO PAY A SUM IN SETTLEMENT.

In the matter of a claim for compensation made by the dependants of A.B.
late of , deceased, against C.D. , of

TAKE NOTICE—

1. That a claim has been made under the above-mentioned Ordinance by [or on behalf of] the dependants of A.B. , late of , deceased against C.D. of , for compensation in respect of the injury caused to such dependants by the death of the said A.B. , who died on the day of , 19 .

2. The said dependants allege that the death of the said A.B. resulted from personal injury by accident arising out of and in the course of his employment caused to the said A.B. on the day of at [state place of accident] while he was employed as a workman by the said C.D. [or by E.F. a contractor with the said C.D. for the execution of work undertaken by them.]

[Or, in the case of industrial disease.]

[2. The said dependants allege that the death of the said A.B. was caused by , a disease coming within Section 13 of the *Workmen's Compensation Ordinance 1931*, and that the above-mentioned disease was due to the nature of the employment of the said A.B. in [describe employment], and that he was last employed in such employment within the twelve months previous to his disablement [or suspension from his usual employment] [or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by the said C.D. .]

3. The said C.D. denies his liability to pay compensation under the above-mentioned Ordinance to the dependants of the said A.B. , but to avoid litigation is willing to pay the sum of £ in full settlement of all claims to such compensation, and such of the dependants of the said A.B. as are not under disability are willing to accept such sum in settlement.

4. The said C.D. of, [or, , solicitor or agent for the said C.D. , of] therefore pays into court [when paid in by solicitor or agent, add, at the request and by the authority of the said C.D.] the sum of [state sum in letters] being the amount which he is willing to pay in full settlement of all claims to compensation in the above-mentioned matter.

5. (a) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of the said C.D. during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said C.D.] were .

(c) To the best of the knowledge and belief of the said C.D. the persons interested as dependants of the said A.B. are [state dependants, with their ages and relationship to deceased, so far as known].

6. The grounds on which the said C.D. denies his liability to pay compensation are as follows, viz.:—

Dated this day of , 19 .

(Signed)

[or

Solicitor or Agent for]

To the Clerk of the Court of Petty Sessions.

NOTE.—A receipt for the money paid in with this præcipe is to be given on the usual form used by the Clerk with the following addition:—"being the amount paid in, with denial of liability, by C.D. in settlement of the claim of the dependants of A.B. for compensation in respect of an injury by accident resulting in his death."

Form 44.

NOTICE TO PARTIES WHERE CLERK REFERS INTO COURT THE QUESTION OF ADEQUACY OF AMOUNT PAID INTO COURT UNDER RULES 50 OR 51. Rules 50, 51.

[Heading as in Præcipe for Payment into Court.]

TAKE NOTICE, that I have referred into Court the question of the adequacy of the amount paid into Court in this matter.

AND FURTHER TAKE NOTICE, that by order of the Court you are hereby summoned to attend before the Court of Petty Sessions to be holden at Canberra on the day of at the hour of in the noon, when the matter will be inquired into by the Court.

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned such order will be made and proceedings taken as the Court may think just and expedient.

Dated this day of , 19 .

Clerk of the Court of Petty Sessions.

To [the employer and the persons appearing by the præcipe to be interested in the amount paid in.]

Form 45.

NOTICE BY CLERK OF PAYMENT INTO COURT UNDER RULES 50 AND 51.

TAKE NOTICE, that the sum of £ has been paid into Court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into Court, such question, and all questions as to who are dependants, and the amount payable to such dependants, must be settled by arbitration in accordance with the above-mentioned Ordinance and the Rules of Court made under that Ordinance.

If no question arises as to the adequacy of the amount paid into Court, any persons interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with paragraph 5 of the First Schedule to the *Workmen's Compensation Ordinance* 1931, and the Rules of Court made under that Ordinance.

Dated this day of , 19 .

Clerk of the Court of Petty Sessions.

To

Form 46.

APPLICATION FOR ORDER FOR PAYMENT INTO COURT OF WEEKLY PAYMENT
PAYABLE TO PERSON UNDER DISABILITY.

[Heading as in Award or Memorandum.]

TAKE NOTICE, that I [*name and address of applicant*] intend to apply to the Court of Petty Sessions at Canberra on the _____ day of _____, at the hour of _____ in the _____ noon, for an order that the weekly payment payable in the above-mentioned matter to _____ a person under legal disability [*or to me*] be during his [*or my*] disability paid into Court, and for consequential directions.

Dated this _____ day of _____, 19__.

(Signed)

To the Clerk of the Court of Petty Sessions,
and [to the parties interested.]

Form 47.

APPLICATION FOR VARIATION OF ORDER OR AWARD.

[Heading as in Award or Memorandum.]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the Court of Petty Sessions to be holden at Canberra on the day of , at the hour of in the noon, for an order that the order of the Court [or the award] made in the above-mentioned matter on the day of as to the apportionment of the sum paid as compensation among the dependants of A.B. deceased, [or as to the manner in which the sum payable to a dependant of A.B. deceased, is to be invested, applied, or otherwise dealt with] may be varied by directing [here state variation claimed by applicant] and for consequential directions. And further take notice that the circumstances in which this application is made are [state particulars.]

Dated this _____ day of _____, 19__.

(Signed)

Applicant.

 $[O_2]$

Applicant's Solicitor or Agent.]

To the Clerk of the Court of Petty Sessions,
and to [all persons interested].

Form 48.

APPLICATION BY WORKMAN INTENDING TO CEASE TO RESIDE IN THE TERRITORY FOR
REFERENCE TO MEDICAL REFEREE.

In the Court of Petty Sessions holden at Canberra.

No. of Matter

In the matter of the *Workmen's Compensation Ordinance* 1931,
and

In the matter of an agreement [or a decision or an award] recorded in the
above-mentioned Court as to the weekly payment to A.B. of
by C.D. of

TAKE NOTICE, that A.B. of _____, to whom under an agreement [or a decision or an award] in the above-mentioned matter recorded in this Court on the _____ day of _____ a weekly payment of _____ is payable by the above-mentioned C.D. as compensation for personal injury caused to the said A.B. _____ by accident arising out of and in the course of his employment, intends to cease to reside in the Territory for the Seat of Government:

And that the said A.B. intends to apply to the Clerk on the _____ day of _____, at the hour of _____ in the _____ noon, for an order referring to a medical referee the question whether the incapacity of the said A.B. resulting from the injury is likely to be of a permanent nature.

A report of a medical practitioner, setting out the nature of the incapacity of the said A.B. resulting from the injury, is hereto annexed.

Dated this day of , 19 .

(Signed)

Applicant.

[Or

Applicant's Solicitor or Agent.]

To the Clerk of the Court of Petty Sessions,
and to [the employer].

THE FIRST SCHEDULE---continued.

Form 49.

ORDER OF REFERENCE TO MEDICAL REFEREE.

Rule 57 (6).

[Heading as in Application.]

On the application of _____ of _____, a copy of which is hereto annexed, I hereby appoint _____, of _____, a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance* 1931, to examine the said [name of workman] and to give his certificate as to whether the incapacity of the said [name of workman] resulting from the injury is likely to be of a permanent nature or as to whether the absence of the workman from the Territory is desirable for recuperative purposes.

A copy [or copies] of the report [or reports] of the medical practitioner [or practitioners] by whom the said _____ has been examined is [or are] hereto annexed. [And, if so, copies of the statements submitted to me by the parties are also hereto annexed.]

The said _____, who is now at _____, has been directed to submit himself for examination by the referee.

I am satisfied that the said _____ is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[Or, the said _____ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Clerk of the Court of Petty Sessions, Canberra, on or before the _____ day of _____, specifying therein the nature of the incapacity of the said _____ resulting from the injury, and whether such incapacity is likely to be of a permanent nature or whether the absence of the workman from the Territory is desirable for recuperative purposes.

Dated this _____ day of _____, 19____.
Magistrate.
[or Clerk of the Court of Petty Sessions.]

Form 50.

ORDER DIRECTING INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE. Rule 57 (7).

[Heading as in Application.]

TAKE NOTICE, that I have appointed Dr. _____, of _____, a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance* 1931, to examine you in accordance with the application in the above-named matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [add where the workman is in a fit condition to travel], and to attend for that purpose at such time and place as may be fixed by him.

Dated this _____ day of _____, 19____.
To _____ of _____
Clerk of the Court of Petty Sessions.

Form 51.

CERTIFICATE OF MEDICAL REFEREE.

Rule 57 (9).

[Heading as in Application.]

In accordance with the reference made to me by the Clerk of the Court of Petty Sessions under Rule 57 of the *Workmen's Compensation Rules*, I have on the _____ day of _____, 19____, examined _____ of [name and address of workman], and I hereby certify that the nature of his incapacity is as follows, and is [or is not] likely to be of a permanent nature [or that the absence of the workman from the Territory is [or is not] desirable for recuperative purposes].

Dated this _____ day of _____, 19____.
Medical Referee.

Form 52.

CERTIFICATE OF IDENTITY.

Rule 57 (10).

[To be Carefully Preserved.]

NOTICE.—THIS CERTIFICATE IS NO SECURITY WHATEVER FOR A DEBT.

No. of Certificate _____

[Heading as in Award or Memorandum.]

This is to certify that A.B. _____ late of [address and description] is entitled to a weekly payment of _____ from [name and address of employer] as compensation payable to the said A.B. _____ in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A.B. _____ for work.

And that the description of the said A.B. _____ and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows:—

Age, _____

Height, _____

Hair, _____

Eyes, _____

Nature of Incapacity, _____

[Describe nature of incapacity, as in certificate of medical referee.]

Dated this _____ day of _____, 19____.

THE FIRST SCHEDULE—continued.

Form 53.

Rule 57 (10).

NOTICE TO BE GIVEN TO WORKMAN INTENDING TO CEASE TO RESIDE IN THE TERRITORY.

[Heading as in Award or Memorandum.]

TAKE NOTICE, that if you desire to obtain payment of the weekly payments payable to you under the award [or memorandum] (a copy whereof is hereto annexed) while you are residing out of the Territory, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before any person having authority to administer an oath.

You must also attend before some such person and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above-mentioned.

You must then forward to me, at my office, situate at Canberra, the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payment due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

In the event of your death while residing out of the Territory, your representatives must, in order to obtain payment of the arrears due to you, forward to me, at my office, situate at Canberra, a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of the arrears, specifying the place where and the manner in which the arrears are to be transmitted to them.

The expression "your representatives" means—

- (a) if you leave a will, the executors of the will; or
(b) if you die intestate, the persons who are according to law entitled to your personal estate; and payment of the arrears may be made to those persons without the production of letters of administration.

Dated this _____ day of _____, 19____.

Clerk of the Court of Petty Sessions.

To A.B.
of [address and description.]

Form 54.

Rule 57 (10),
(11).

FORM OF MEDICAL CERTIFICATE TO BE OBTAINED BY WORKMAN RESIDING OUT OF
THE TERRITORY.

[Heading as in Award or Memorandum.]

I [name, address, and medical qualification of medical practitioner] hereby certify that I have this day examined A.B. of whom I conscientiously believe to be the same person as A.B. of , described in the copy certificate of the medical referee in the above-mentioned matter, dated the day of , and in the certificate of identity dated the day of , produced to me by the said A.B. ; and that in my opinion the incapacity of the said A.B. resulting from the injury described in the said certificate of the medical referee still continues.

Dated this _____ day of _____, 19____

[Signature]

Declared at _____ this _____ day of _____, in the presence of
the said A.B. _____, the copy of the certificate of the medical referee and
the certificate of identity above-mentioned being at the same time produced.

Before me—

[Signature and description of person before whom
the declaration is made.]

Form 55.

Rule 57 (10),
(12).

DECLARATION OF IDENTITY BY WORKMAN RESIDING OUT OF THE TERRITORY.

[Heading as in Award or Memorandum.]

I, A.B. of hereby declare that I am the same person as A.B. of described in the copy of the certificate of the medical referee in the above-mentioned matter, dated the day of , now produced by me, and in the certificate of identity, dated the day of , now produced by me, and the same person as A.B. of described in the certificate of declared

THE FIRST SCHEDULE—continued.

by the said in my presence on the day of ,
and now produced by me. (Signed) A.B.
Declared at this day of , the certificates
above-mentioned being at the same time produced,
Before me—
[Signature and description of person before whom
the declaration is made.]

Form 56.

REQUEST FOR TRANSMISSION OF AMOUNT OF WEEKLY PAYMENTS BY WORKMAN Rule 67 (13).
RESIDING OUT OF THE TERRITORY.

[Heading as in Award or Memorandum.]

Sir,

I herewith enclose medical certificate and declaration of identity, and request that the amount of the weekly payments due to me in the above-mentioned matter may be transmitted to me at

[give full address]

[state how transmission to be made, as]—

by Post Office order payable at

[name of post office]

or by bankers' draft on the

[name and address of bank].

A.B.

[To be signed by the workman in his own handwriting.]

To the Clerk of the Court of Petty Sessions, Canberra.

Form 57.

NOTICE BY CLERK TO EMPLOYER OF RECEIPT OF MEDICAL CERTIFICATE AND Rule 57 (15).
DECLARATION OF IDENTITY.

[Heading as in Award or Memorandum.]

TAKE NOTICE, that I have received proof of identity and of continuance of incapacity in the above-mentioned matter.

And I have to request you to forward the sum of , being the amount of weekly payments payable to A.B. under the above-mentioned award [or memorandum] from [the date to which they were last paid] to [13 weeks from that date] to me, to be by me transmitted to the said A.B.

Dated this day of , 19

Clerk of the Court of Petty Sessions.

To [name and address of employer].

Form 58.

NOTICE OF APPLICATION FOR DETERMINATION OF AMOUNT OF SOLICITOR'S Rule 64.
OR AGENT'S COSTS.

[Heading as in Award or Memorandum.]

TAKE NOTICE, that I intend to apply to the Court of Petty Sessions, Canberra, on the day of at the hour of o'clock in the noon, to determine the amount of costs to be paid to me as solicitor [or agent] for you, A.B. in the above-mentioned matter; and for an order declaring that I am entitled to recover such amount from the person for whom I acted or to a lien for such amount on or to deduct such amount from the sum awarded or agreed as compensation to you the said A.B. in the above-mentioned matter, and for consequential directions.

Dated this day of , 19

Applicant.

To the Clerk of the Court of Petty Sessions, Canberra.
and to
A.B. of

Form 59.

WARRANT OF EXECUTION AGAINST GOODS ON AWARD OR MEMORANDUM. Rule 69.
In the Court of Petty Sessions holden at Canberra.

No. of matter.

[Heading as in Award or Memorandum.]

To the Chief Officer of Police at Canberra, in the Australian Capital Territory, and all other Police Officers in the said Territory.

WHEREAS on the day of an award was made in the above-mentioned matter by the Court whereby it was ordered [state operative parts of award]; or

THE FIRST SCHEDULE—continued.

WHEREAS on the day of a memorandum was recorded in this Court of an agreement [or a decision or an award] come to [or given or made] in the above-mentioned matter, whereby it was agreed [or ordered] [state operative parts of agreement, decision or award];

And whereas default has been made in payment of the sum of £ payable by the said into Court [or to the said A.B.] according to the said award [or memorandum];

These are therefore to command you, in His Majesty's name, forthwith to take the goods and chattels of [name the party against whose goods execution is issued], and if within the space of days after taking them the said last-mentioned sum, together with the cost of issuing this warrant and the reasonable charges of taking and keeping the said goods and chattels, is not paid, that then you sell the said goods and chattels, and pay the money arising from such sale to the Clerk of the said Court; and that if no goods and chattels can be found, that you certify the same to me.

Given under my hand, at Canberra, in the said Territory, this
day of , 19 .

J.S., Magistrate.

Form 60.

Rule 73.

NOTICE OF DAY UPON WHICH SPECIAL CASE WILL BE HEARD.

[Heading as in Special Case.]

TAKE NOTICE that the Court of Petty Sessions will hear the special case stated in the above-named matter at a Court to be holden at Canberra on the day of at the hour of in the noon; and that if you do not attend in person or by your solicitor or agent at the place and time above-mentioned, such order will be made and proceedings taken as the Court may think just.

You may obtain a copy of the case upon application at my office and upon prepayment of the costs of such copy.

Dated this day of , 19 .
To [the Applicant and Respondents]

Clerk of the Court of Petty Sessions.

Form 61.

Rule 75.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE ORDINANCE.

In the matter of a claim for compensation made by A.B. of
against C.D. of
[or where an arbitration is pending,

In the matter of an Arbitration between
A.B. [description] Applicant,
of [address] and

C.D. [description] Respondent.
of [address] and
[or, where application is made after weekly payment has been settled,
In the matter of an agreement [or a decision or award] recorded in the
above-mentioned Court as to the weekly payment payable to A.B.
of , by C.D. , of

Application is hereby made to the Court on behalf of the above-named A.B. and C.D. for a reference in the above-mentioned matter to a medical referee pursuant to paragraph 10 of the First Schedule to the above-mentioned Ordinance under the following circumstances:—

1. On the day of notice was given by [or on behalf of] the above-mentioned A.B. to the above-mentioned C.D. of personal injury caused to the said A.B. by accident arising out of and in the course of his employment, in respect of which injury the said A.B. claims compensation from the said C.D. under the said Ordinance.]
[or, where arbitration is pending,

1. An arbitration under the said Ordinance is pending between the above-mentioned A.B. and the above-mentioned C.D. as to the amount of compensation payable to the said A.B. under the said Ordinance in respect of personal injury caused to him by accident arising out of and in the course of his employment.]
[or, where weekly payment has been settled,

1. Under an agreement [or a decision or award] in the above-mentioned matter, recorded in this Court on the day of , a weekly payment is payable to the above-mentioned A.B. by the above-mentioned C.D. as compensation in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment.]

2. The weekly payment claimed by [or payable to] the said A.B. is

3. A question has [or questions have] arisen between the said A.B. and the said C.D. as to the condition [or fitness for employment] of the said A.B. [or as to whether [or to what extent] the incapacity of the said A.B. is due to the accident], [or as to the condition [or fitness for employment] of the said A.B. and as to whether [or to what extent] the incapacity of the said A.B. is due to the accident], and no agreement can be come to between the said C.D. and the said A.B. with reference to such question [or questions.]

THE FIRST SCHEDULE--continued.

4. The said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. [or has been examined by a medical practitioner selected by himself] [or if so, the said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. and has also been examined by a medical practitioner selected by himself], and a copy of the report of the said practitioner is [or copies of the reports of the said practitioners are] annexed to this application.

The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said A.B. and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit [or for his certificate whether [or to what extent] the incapacity of the said A.B. is due to the accident] [or for his certificate as to the condition of the said A.B. and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said A.B. is due to the accident].

Dated this day of 19 .
(Signed) Applicant.
[or Applicant's Solicitor.]
C.D.
[or Solicitor for C.D.]

To the Clerk of the Court of Petty Sessions.

Form 62.

ORDER OF REFERENCE UNDER PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE
ORDINANCE. Rule 75.

[Heading as in Application.]

On the application of A.B. of and C.D., of [a copy of which is hereto annexed], I hereby appoint of , a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance 1931*, to examine the said [name of workman], and to give his certificate as to the condition of the said and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit [or his certificate whether] [or to what extent] the incapacity of the said is due to the accident] [or his certificate as to the condition of the said and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said is due to the accident].

Copies of the reports of the medical practitioners by whom the said has been examined are hereto annexed.

The said _____, who is now at _____, has been directed to submit himself for examination by the referee.

I am satisfied that the said _____ is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[or, The said _____ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate by registered post to the Clerk at the Office of the Court of Petty Sessions situate at Canberra on or before the day of 19 .

Dated this day of 19 .
Clerk of the Court of Petty Sessions.

Form 63.

ORDER DIRECTING INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE. Rule 75.

[Heading as in Application.]

To A.B. of [address and description].

TAKE NOTICE that I have appointed _____, of _____, a medical referee appointed for the purposes of the *Workmen's Compensation Ordinance* 1931, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [add where workman is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him].

Dated this day of 19 .
Clerk of the Court of Petty Sessions.

Form 64.

NOTICE TO PARTIES OF CERTIFICATE OF MEDICAL REFERENCE. Rule 75 (8).

[Heading as in Application.]

TAKE NOTICE that I have received the certificate of the medical referee appointed in this matter, and that you may inspect the same during office hours at my office situate at Canberra, and may on request and at your own cost be furnished with or take a copy thereof.

Dated this day of 19 .
Clerk of the Court of Petty Sessions.

To _____
and _____ 1997

Form 65.

... APPLICATION FOR SUMMONS OF MEDICAL REFEREE AS ASSESSOR. Rule 76.

[Heading as in Request for Arbitration.]

THE applicant [or respondent] applies to the Court to summon a medical referee to sit with it as an assessor on the ground that questions are likely to arise in the determination as to the condition of the applicant or his fitness for

THE FIRST SCHEDULE—continued.

employment [or as the case may be], and that it is desirable that the Court should have the assistance of a medical referee in the determination of such questions.

Dated this day of 19 .
To the Clerk of the Court of Petty Sessions.
(Signed) A.B., Applicant.
or
Applicant's Solicitor or Agent.

The Court of Petty Sessions consents to a medical referee being summoned to sit with it as an assessor.

Magistrate.

Form 66.

Rule 76.

NOTICE OF REFUSAL TO SUMMON MEDICAL REFEREE AS ASSESSOR.

[Heading as in Request for Arbitration.]

I HEREBY give you notice that the Court has directed me to inform you that your application for a medical referee to be summoned to sit with the Court as an assessor is refused, the Court being of opinion that the summoning of a medical referee is unnecessary.

Dated this day of 19 .
Clerk of the Court of Petty Sessions.
To [the applicant for an assessor].

Form 67.

Rule 76.

SUMMONS TO MEDICAL REFEREE TO SIT AS ASSESSOR.

[Heading as in Request for Arbitration.]

The day of , 19 .
YOU are hereby summoned to attend and sit with the Court as an assessor at
the on the day of 19 , at the
hour of in the noon.
To
of

Clerk of the Court of Petty Sessions.

Form 68.

Rule 79.

AUTHORITY TO AGENT.

[Heading as in Application for Arbitration.]

I HEREBY authorize [full name] whose signature appears in the
margin hereof [address and description] to appear and act on
my behalf in any proceeding connected with the question or matter which I
propose to bring before the Court of Petty Sessions, Canberra, for determination.

Dated this day of , 19 .
[Name of party]
[Address]
[Description]

Form 69.

The Workmen's Compensation Ordinance 1931.

SPECIAL REGISTER.

Rule 87.

No. of Matter.	Title.	Date of Proceedings.	Nature.
1	In the matter of an arbitration between A.B., of, &c., Applicant, and C.D. of, &c., Respondent.	(Give Dates) . .	Request for arbitration filed, and copy sent to Magistrate. Day for arbitration fixed. Notice of day fixed sent to applicant, and notice with copy request sent to respondent by registered post. Respondent's answer filed; copy sent to applicant. Arbitration held; appointed as medical referee to report; further hearing adjourned. Report of medical referee received; notice given to the parties. Further hearing. Award made as follows (enter minute of award). £ for costs paid into Court by respondents. £ for costs paid to applicant's solicitor.
2	In the matter of an agreement between A.B., of, and E.F. of, &c.	Memorandum of agreement as to compensation, signed by A.B., left to be recorded. Notice and copy memorandum sent by post to E.F. Notice received from E.F. disputing memorandum. Notice sent to A.B. that memorandum is disputed, and will not be recorded without consent in writing of E.F., or order of the Court. Application on behalf of A.B. that memorandum be recorded. Application heard, and order made that memorandum be recorded with alterations. Memorandum recorded as follows [set out memorandum]. Execution issued for costs. &c., &c., &c.

THE SECOND SCHEDULE.
SCALE OF COSTS.

Proceedings or matter.	Rule 59.		
	Where the subject matter does not exceed £30. (Lowest Scale.)	Where the subject matter exceeds £30 but does not exceed £100. (Second Scale.)	Where the subject matter exceeds £100. (Highest Scale.)
(a) <i>Costs generally—</i>	£ s. d.	£ s. d.	£ s. d.
Instructions for application for arbitration, preparing and filing application ..	0 16 8	1 17 6	2 10 0
Preparing answer of respondent or any other notice and filing or service of same ..	0 13 4	1 10 0	2 0 0
Preparing case for applicant or respondent ..	2 0 0	3 15 0	5 0 0
Letter before arbitration ..	0 3 6	0 3 6	0 3 6
Attending arbitration—			
For first three hours or portion thereof ..	3 0 0	5 0 0	7 0 0
For each subsequent hour or portion of an hour ..	0 6 8	0 15 0	1 0 0
Preparing any other necessary or proper notice not otherwise provided for herein	0 1 6	0 1 6	0 1 6
Preparing and filing any necessary or proper application to the Court not provided for herein, including copies of documents, filing and service	0 3 6	0 7 6	0 10 0
Preparing any memorandum under the Second Schedule to the Ordinance and filing same ..	0 10 0	1 0 0	1 10 0
Preparing any other necessary or proper document not otherwise provided for herein and filing same ..	0 5 0	0 7 6	0 10 0
Præcipe for payment into Court and filing same ..	0 5 0	0 7 6	0 10 0
In any other matter for which no provision is made herein, the costs shall not exceed those allowable in the Court of Petty Sessions if the matter arose in a complaint in that Court.			
(b) <i>Court fees, Bailiffs' fees, Witnesses' fees—</i>			
The Court fees, Bailiffs' fees, and Witnesses' fees and mileage which may be included in any costs awarded shall not exceed the amounts respectively specified in the Third, Fourth and Fifth Schedules to these Rules.			
(c) <i>Disbursements—</i>			
Actual disbursements not otherwise provided for in these Rules may, if in the opinion of the arbitrator, committee or the Court, necessary in the circumstances of the particular case, be allowed.			

THE THIRD SCHEDULE.

COURT FEES PAYABLE ON PROCEEDINGS UNDER THE WORKMEN'S COMPENSATION Rule 66.
ORDINANCE 1931.

	£ s. d.
1. On the filing of the special case under Rule 73 ..	0 5 0
2. On an order adding a respondent under Rule 33 ..	0 5 0
3. On an application to rectify the register or to remove a record from the register under paragraph 8 (c) or (e) of the Second Schedule to the Ordinance and Rule 43 or Rule 45 ..	0 5 0
4. On an application for the suspension of the right to compensation or to take proceedings, or of the right to weekly payments under paragraph 4, 9 or 10 of the First Schedule to the Ordinance and Rule 47 ..	0 5 0
5. On a payment into Court under Rule 46, 49, 50 or 51 ..	0 5 0
6. On an application for investment or direction of the Court under paragraph 5 of the First Schedule to the Ordinance, and Rule 49, 50 or 56 ..	0 5 0

THE THIRD SCHEDULE—continued.

	£	s.	d.
7. On an application for the payment of weekly payments into Court under paragraph 6 of the First Schedule to the Ordinance, and Rule 53 (3.)	0	5	0
8. On an application for the variation of an order under paragraph 8 of the First Schedule to the Ordinance, and Rule 54	0	5	0
9. The fee mentioned in the last preceding item is not to be taken on an application under the liberty to apply reserved by Rule 49 (12.), but on any such application there shall be allowed a fee (which shall be deducted from the fund to which the application relates) of	0	2	6
10. For every investment made by the Clerk, including the payment out or application of a sum allotted to any person by weekly or other periodical payments (charged once only and to be deducted from the sum ordered to be invested or allotted): For every £10 or part of £10 invested, but so that the total fee shall not exceed £5	0	2	6
11. On an application for a reference to a medical referee under paragraph 13 of the First Schedule to the Ordinance, and Rule 57	0	5	0
12. For a certificate of identity under Rule 57 (10.) (c)	0	5	0
13. For receiving and transmitting any sum due to a workman residing out of the Territory under Rule 57 (15.) (to be deducted from the sum to be transmitted)	0	5	0
14. On an application to the Court under Rule 64 (3.)-(5.) at a date subsequent to the hearing of the arbitration	0	5	0
15. On an application to the Court under Rule 65 (e) other than an application for an order for execution to issue	0	5	0
16. On an application for issue of execution under Rule 69	0	2	0
17. On an application to set aside or vary an award or order under Rule 72	0	5	0
18. For a certificate of an award or order under Rule 32	0	5	0
19. On any other proceeding not herein specified for which, if such proceeding were taken in a complaint in the Court, a fee would be payable, the fee which would be payable if such proceeding were taken in a complaint.			

THE FOURTH SCHEDULE.

Rule 67.

BAILIFFS' FEES.

	£	s.	d.
For serving summons or notice at request of any party and making affidavit of service if service be made	0	3	0
For every levy or caption	0	4	0
For every mile, or fraction of a mile over two miles, from the Court which he travels to serve summons or execute other process, but not counting the return journey, such sum as is fixed by the Court not exceeding	0	2	0
For possession money such sum as is fixed by the Court not exceeding per day	0	10	0

THE FIFTH SCHEDULE.

Rule 68.

WITNESSES' EXPENSES.

	Allowance per day.	
	£	s. d.
1. Professional man, including—		
Medical practitioners	1	1 0 to 3 3 0
Legal practitioners		
Architects		
Engineers or surveyors		
Dentists		
University professors		
Accountants (carrying on business as principals)	0	5 0 „ 1 10 0
If country witnesses, an additional allowance of	0	5 0 „ 1 10 0
2. Graziers, merchants, bankers, accountants, auctioneers, and the like	0	10 6 „ 2 2 0
If country witnesses, an additional allowance of	0	5 0 „ 1 5 0
3. Police inspectors, journalists, tradesmen, artisans, mechanics, master mariners, farmers, clerks and the like	0	7 6 „ 1 10 0
If country witnesses, an additional allowance of	0	2 6 „ 0 15 0
4. Constables, apprentices, sailors, labourers and the like	0	5 0 „ 1 0 0
If country witnesses, an additional allowance of	0	2 0 „ 0 10 0
5. Female witnesses, according to station in life	0	2 6 „ 3 3 0
If country witnesses, an additional allowance of	0	2 0 „ 1 10 0

A witness shall not be deemed a country witness who resides within 5 miles of the place where the arbitration takes place, or who ordinarily proceeds to some office or place of employment which is within 5 miles of the place where the arbitration takes place.

In addition to the above allowances, country witnesses may be allowed such sum as the arbitrator, committee or the Court considers reasonable to provide for actual expenses of conveyance to and from the place where the arbitration takes place, excluding any charge for maintenance or sustenance.