



Australian Capital Territory

Regulations 1990 No. 5¹

Workmen's Compensation Rules (Amendment)

I, MICHAEL CARTER TATE, Minister of State for Justice and Consumer Affairs, acting for and on behalf of the Attorney-General, hereby make the following Rules under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*.

Dated 19 June 1990.

MICHAEL TATE
Minister of State for Justice
and Consumer Affairs

Principal Rules

1. In these Rules, “Principal Rules” means the *Workmen's Compensation Rules*.²

Repeal

2. Rules 3 and 4 of the Principal Rules are repealed.

Interpretation

3. Rule 5 of the Principal Rules is amended—

(a) by omitting from subrule (1) the definition of “the Ordinance” and substituting the following definition:

“ ‘the Act’ means the *Workmen's Compensation Act 1951* of the Territory.”; and

(b) by adding at the end the following subrule:

“(3) Unless the contrary intention appears, expressions in these Rules that are used in the Act have the same meanings as in the Act.”.

Copies for Court etc.

4. Rule 15 of the Principal Rules is amended—

(a) by omitting “and” (last occurring); and

(b) by adding at the end the following words “and, if a respondent is an employer, a copy for the relevant approved insurer”.

Notice to parties of day fixed

5. Subrule 18 (1) of the Principal Rules is amended by inserting “and any relevant approved insurer” after “respondents” (first occurring).

Insertion

6. After rule 19 of the Principal Rules the following rule is inserted:

Service on insurer

“19A. Where—

(a) an employer is a respondent to a request for arbitration;

(b) in accordance with the Act, the employer maintains, or maintained at the relevant time, a policy of insurance or indemnity with an approved insurer in relation to the subject matter of the arbitration; and

(c) copies of—

(i) the request and particulars; and

(ii) a notice in accordance with Form 9 in relation to the arbitration;

have been served on the employer in accordance with rule 19;
the employer shall—

- (d) within 14 days after the date of receipt of the documents referred to in paragraph (c) serve a copy of each of those documents on the relevant insurer; and
- (e) within 7 days after the date of service complete and file with the Clerk a certificate in accordance with Form 10A.”.

References to *Workmen's Compensation Ordinance 1951*

7. Unless the context otherwise requires, each reference in these Rules to the *Workmen's Compensation Ordinance 1951* (other than in a reference to its short title) is amended—

- (a) by omitting “ORDINANCE” (wherever occurring) and substituting “ACT”; and
- (b) by omitting “Ordinance” and substituting “Act”.

References to former Ordinances

8. The following provisions of the Principal Rules, namely:

- (a) rule 81 and the First Schedule (Forms 5, 6, 7, 27, 42, 43, 45, 48, 49, 50, 62, 63 and 69);
- (b) the First Schedule (the heading to Form 20);
- (c) the Third Schedule (the heading);

are amended by omitting the references (wherever occurring) to the short title of the *Workmen's Compensation Ordinance*, as in force at any time before 21 March 1951, and substituting—

- (d) in the provisions specified in paragraph (a)—“*Workmen's Compensation Act 1951*”; and
- (e) in the provisions specified in paragraphs (b) and (c)—“WORKMEN'S COMPENSATION ACT 1951”.

Further amendments

9. The Principal Rules are further amended as set out in Schedule 1.

First Schedule

10. The First Schedule to the Principal Rules is further amended as set out in Schedule 2.

SCHEDULE 1

Rule 9

FURTHER AMENDMENTS OF PRINCIPAL RULES

Subrule 5 (1)—

Omit “eleven” from the definition of “principal”, substitute “14”.

Rule 6—

Omit “accident happened”, substitute “injury occurred”.

Paragraph 12 (2) (b)—

Omit “accident”, substitute “injury”.

Subrule 13 (2)—

Omit “accident”, substitute “injury”.

Subrule 19 (3)—

Omit “sub-sections (3) and (4) of section 9”, substitute “subsection 25 (5) or (6)”.

Subrule 20 (1)—

Omit “accident”, substitute “injury”.

Rule 22—

Omit “section 11”, substitute “section 14”.

Subrule 27 (1)—

- (a) Omit “12”, substitute “22”.
- (b) Omit “11”, substitute “14”.

Heading to Division 3 of Part II—

Omit “*Industrial*”.

Rule 33—

- (a) Omit “specified in the Fourth Schedule to the Ordinance”.
- (b) Omit “such disease”, substitute “disease”.

Paragraph 33 (a)—

Omit the paragraph.

Paragraph 33 (c)—

Omit “pursuant to proviso (2) to paragraph (iii) of sub-section (1) of section 13”, substitute “for the purposes of subsection 9 (3)”.

Paragraph 33 (g)—

Omit “under paragraph (3) on the proviso to paragraph (iii) of sub-section (1) of section 13 of the Ordinance”.

Subrule 35 (1)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Subrule 35 (2)—

Omit “13 of the Second Schedule”, substitute “14 of the Fourth Schedule”.

Rule 38—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

SCHEDULE 1—continued

Rule 39—

Omit “accident”, substitute “injury”.

Subrule 41 (1)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Rule 42—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Rule 43—

Omit “8 of the Second Schedule” (wherever occurring), substitute “9 of the Fourth Schedule”.

Subrule 44 (2)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Subrule 44 (3)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Subrule 45 (1)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Rule 46—

Omit “5”, substitute “6”.

Subrule 47 (1)—

- (a) Omit “4, paragraph 9, or paragraph 10”, substitute “5, 10 or 11”.
- (b) Omit “accident”, substitute “injury”.

Subrule 47 (3)—

Omit “accident”, substitute “injury”.

Subrule 49 (1)—

Omit “5”, substitute “6”.

Subrule 49 (5)—

Omit “5”, substitute “6”.

Subrule 49 (6)—

Omit “5”, substitute “6”.

Paragraphs 49 (7) (a) and (b)—

Omit “5”, substitute “6”.

Subrule 49 (9)—

Omit “5”, substitute “6”.

Paragraph 49 (9) (d)—

Omit “5”, substitute “6”.

Subrule 49 (13)—

Omit “5”, substitute “6”.

Paragraph 50 (8) (a)—

SCHEDULE 1—continued

Omit “5”, substitute “6”.

Subrule 53 (1)—

Omit “6”, substitute “7”.

Subrule 54 (1)—

Omit “8”, substitute “9”.

Subrule 55 (2)—

Omit “8”, substitute “9”.

Rule 56—

(a) Omit “12”, substitute “13”.

(b) Omit “5”, substitute “6”.

Subrules 57 (1), (2), (6), (9), (10) and (11)—

Omit “the Territory”, substitute “Australia”.

Subrule 57 (4)—

Omit “9”, substitute “10”.

Subrule 58 (1)—

Omit “the Territory”, substitute “Australia”.

Subrule 59 (5)—

Omit “10”, substitute “11”.

Subrule 59 (6)—

Omit “13 of the Second Schedule”, substitute “14 of the Fourth Schedule”.

Rule 60—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Subrule 64 (1)—

Omit “12 of the Second Schedule”, substitute “13 of the Fourth Schedule”.

Rules 66 and 67—

Omit “11 of the Second Schedule”, substitute “12 of the Fourth Schedule”.

Rule 70—

Omit “11”, substitute “12”.

Subrule 73 (1)—

Omit “Second”, substitute “Fourth”.

Subrule 74 (1)—

Omit all the words before “in accordance with”, substitute “Appeals under section 26 of the Act and submissions of questions of law under paragraph 3 of the Fourth Schedule to the Act shall be”.

Subrule 75 (1)—

Omit “10”, substitute “11”.

Subrule 75 (9)—

SCHEDULE 1—continued

- (a) Omit “one shilling in the pound on twenty-six times”, substitute “5% of 26 times”.
- (b) Omit “so that”, substitute “but”.
- (c) Omit “One pound”, substitute “\$2”.

Subrule 76 (1)—

Omit “4 of the Second Schedule”, substitute “5 of the Fourth Schedule”.

Subrule 82 (5)—

Omit “sub-sections (3) and (4) of section 9”, substitute “subsection 25 (5) or (6)”.

Paragraph 87 (2) (8)—

Omit “8 of the Second Schedule”, substitute “9 of the Fourth Schedule”.

Paragraph 87 (2) (14)—

Omit “12 of the Second Schedule”, substitute “13 of the Fourth Schedule”.

Paragraph 87 (2) (16)—

Omit “10”, substitute “11”.

Paragraph 87 (2) (18)—

Omit “5”, substitute “6”.

Paragraph 87 (2) (22)—

Omit “13”, substitute “14”.

First Schedule

Omit “£” (wherever occurring) from each of the following forms:

Forms 12, 13, 14, 15, 17, 19, 39, 43, 45, 59 and 69.

SCHEDULE 2

Rule 10

AMENDMENTS OF THE FIRST SCHEDULE TO THE PRINCIPAL RULES

Form 1—

- (a) Omit “by accident”.
- (b) Omit “accident” (second and third occurring), substitute “injury”.
- (c) Omit “of accident and”, substitute “and”.
- (d) Omit “accident” (fifth and sixth occurring), substitute “injury”.

Form 2—

- (a) Omit “by accident”.
- (b) Omit “accident” (second and third occurring), substitute “injury”.
- (c) Omit “of accident, and”, substitute “and”.
- (d) Omit “accident” (last occurring), substitute “injury”.

Form 3—

- (a) Omit “by accident”.
- (b) Omit “of accident”, substitute “of injury”.

Form 4—

- (a) Omit “by accident”.
- (b) Omit “accident” (second and third occurring), substitute “injury”.
- (c) Omit “of accident and”, substitute “and”.
- (d) Omit “accident” (last occurring), substitute “injury”.

Form 5—

- (a) Omit “; see Ordinance, First Schedule, 11, 12.” (wherever occurring).
- (b) Omit “caused to him by accident”.
- (c) Omit “of accident”, substitute “of injury”.

Form 6—

- (a) Omit from the heading to the form “SECTION 13”, substitute “SECTION 9”.
- (b) Omit “section 13” (wherever occurring), substitute “section 9”.

Form 7—

Omit “section 13” (wherever occurring), substitute “section 9”.

Form 9—

- (a) After the paragraph ending “just and expedient” insert the following paragraph:
 - “*Under rule 19A you must—
 - (a) within 14 days after the date of the receipt of this notice, serve a copy of the applicant’s request and particulars, and the form, on the insurer with whom you maintain, or maintained at the relevant time, a policy of insurance or indemnity in relation to the subject matter of the arbitration; and
 - (b) within 7 days after the date of services under paragraph (a), file with me a certificate of service in accordance with Form 10A.”.
- (b) Add at the end the following words “* *Delete if inapplicable*”.

New Form 10A—

After Form 10 insert the following form:

SCHEDULE 2—continued

“FORM 10A

Rule 19A

CERTIFICATE OF SERVICE

[Heading as in request for arbitration]

I, (full name) (occupation) of _____ in the Australian Capital Territory,
certify that today I served _____ with
by—

*(a) leaving a copy of it at (address).

*(b) sending a copy of it by prepaid mail addressed to _____.

Dated _____ 19 _____.

.....
(signature)

* Delete whichever is inapplicable.”

Form 11—

- (a) Omit “paragraph 4”, substitute “paragraph 5”.
- (b) Omit “paragraph 10”, substitute “paragraph 11”.
- (c) Omit “alleged accident” (wherever occurring), substitute “alleged injury”.
- (d) Omit “was not caused by accident arising”, substitute “did not arise”.
- (e) Omit “the accident”, substitute “the injury”.

Form 16—

Omit “caused to the said A.B. _____ by accident arising” (wherever occurring), substitute “to the said A.B. _____ arising”.

Form 17—

- (a) Omit “caused to the said A.B. _____ on the day of _____, by accident arising” (wherever occurring), substitute “to the said A.B. _____ arising”.
- (b) Omit “caused on the _____ day of _____ by accident”.

Form 21—

Omit from the heading to the form “13”, substitute “9”.

Form 27—

- (a) Omit from the heading to the form “8 OF SECOND SCHEDULE”, substitute “9 OF FOURTH SCHEDULE TO THE ACT”.
- (b) Omit “caused at (state place of accident) to” (wherever occurring), substitute “sustained by”.
- (c) Omit “by accident” (wherever occurring), substitute “being injury”.
- (d) Omit “8 of the Second Schedule” (wherever occurring), substitute “9 of the Fourth Schedule”.
- (e) Omit “section 13” (wherever occurring), substitute “section 9”.

Form 28—

Omit “accident” (wherever occurring), substitute “injury”.

Form 30—

Omit “accident”, substitute “injury”.

SCHEDULE 2—continued**Form 33**—

Omit “Acton,”.

Form 34—

- (a) Omit from the heading to the form “8 OF THE SECOND SCHEDULE”, substitute “9 OF THE FOURTH SCHEDULE TO THE ACT”.
- (b) Omit “8 of the Second Schedule to the Ordinance”, substitute “9 of the Fourth Schedule to the Act”.

Form 35—

- (a) Omit from the heading to the form “8 OF THE SECOND SCHEDULE”, substitute “9 OF THE FOURTH SCHEDULE TO THE ACT”.
- (b) Omit “8 of the Second Schedule to the above-mentioned Ordinance”, substitute “9 of the Fourth Schedule to the Act”.

Form 36—

- (a) Omit from the heading to the form “8 OF THE SECOND SCHEDULE”, substitute “9 OF THE FOURTH SCHEDULE TO THE ACT”.
- (b) Omit “8 of the Second Schedule to the above-mentioned Ordinance”, substitute “9 of the Fourth Schedule to the Act”.

Form 42—

- (a) Omit “section 13” (wherever occurring), substitute “section 9”.
- (b) Omit “by accident” (wherever occurring).
- (c) Omit “[*state place of accident*]”, substitute “[*state address where injury was sustained*]”.
- (d) Omit “the accident”, substitute “the injury”.

Form 43—

- (a) Omit “by accident” (wherever occurring).
- (b) Omit “Section 13”, substitute “section 9”.
- (c) Omit “the accident”, substitute “the injury”.
- (d) Omit from paragraph 2 “caused to”, substitute “sustained by”.
- (e) Omit “[*state place of accident*]”, substitute “[*state address where injury was sustained*]”.

Form 45—

Omit “paragraph 5”, substitute “paragraph 6”.

Form 48—

- (a) Omit from the heading to the form “THE TERRITORY”, substitute “AUSTRALIA”.
- (b) Omit “caused to the said A.B. by accident arising”, substitute “to A.B. arising”.
- (c) Omit the reference to the Territory (however described), substitute “Australia”.

Forms 49 and 51—

Omit “the Territory” (wherever occurring), substitute “Australia”.

SCHEDULE 2—continued

Form 52—

Omit “caused to him by accident”.

Form 53—

- (a) Omit from the heading to the form “THE TERRITORY”, substitute “AUSTRALIA”.
- (b) Omit “the Territory” (wherever occurring), substitute “Australia”.

Forms 54, 55 and 56—

Omit from the heading “THE TERRITORY”, substitute “AUSTRALIA”.

Form 61—

- (a) Omit from the heading to the form “PARAGRAPH 10”, substitute “PARAGRAPH 11”.
- (b) Omit “paragraph 10”, substitute “paragraph 11”.
- (c) Omit “caused to the said A.B. by accident” (wherever occurring), substitute “to the said A.B. ”.
- (d) Omit “caused to him by accident”.
- (e) Omit “the accident” (wherever occurring), substitute “the injury”.

Form 62—

- (a) Omit from the heading “PARAGRAPH 10”, substitute “PARAGRAPH 11”.
- (b) Omit “accident”, substitute “injury”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 29 June 1990.
2. For reference to the original Rules and amendments before 1960, *see* the footnote to the *Workmen's Compensation Rules* in Volume III of the Laws of the Australian Capital Territory 1911-1959. For later amendments *see* Regulations 1968 No. 12 and 1982 No. 32; Ordinances No. 67, 1985; No. 74, 1986 and Nos. 21 and 25, 1989.

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