

No. 15 of 1971

## AN ORDINANCE

To amend the *Workmen's Compensation Ordinance 1951-1970*.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this twenty-fourth day of June, 1971.

PAUL HASLUCK  
Governor-General.

By His Excellency's Command,

RALPH J. HUNT  
Minister of State for the Interior.

### WORKMEN'S COMPENSATION ORDINANCE 1971

1.—(1.) This Ordinance may be cited as the *Workmen's Compensation Ordinance 1971*.<sup>\*</sup> Short title and citation.

(2.) The *Workmen's Compensation Ordinance 1951-1970*<sup>†</sup> is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Workmen's Compensation Ordinance 1951-1971*.

2. This Ordinance shall come into operation on the first day of July, 1971. Commencement.

3. Section 11 of the Principal Ordinance is amended by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-section:— Compensation payable in respect of medical expenses.

“(1.) Where—

- (a) compensation is payable by an employer under this Ordinance to, or in respect of, a workman; or
- (b) but for the fact that a workman is not incapacitated for work or but for the operation of clause (ii) of subparagraph (b) of paragraph 2 of the First Schedule to this Ordinance, compensation would be so payable,

<sup>\*</sup> Notified in the *Commonwealth Gazette* on 1 July 1971.

<sup>†</sup> Ordinance No. 2, 1951, as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; No. 44, 1967; No. 19, 1968; Nos. 7, 13 and 18, 1969; and No. 26, 1970.

the employer is liable to pay, in respect of the cost of medical treatment obtained in relation to the injury or disease in respect of which compensation is, or would be, so payable, being treatment that it was reasonable in the circumstances for the workman to obtain, compensation of such amount as is appropriate to that medical treatment having regard to the charges customarily made for similar medical treatment in the place where that treatment is obtained.”.

**Increases in compensation.**

**4. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.**

**Existing policies of insurance.**

**5.—(1.)** A policy of insurance against liability under the Principal Ordinance, in force immediately before the commencement of this Ordinance, has effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

(2.) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur as a result of the amendments to the Principal Ordinance effected by this Ordinance, additional premium for the period of the unexpired balance of the currency of the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

(3.) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury sustained or a disease contracted before the commencement of this Ordinance, the insurer is liable to indemnify the person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of the injury or the contracting of the disease.

**Adjustment of weekly payments under Principal Ordinance.**

**6.—(1.)** Where, immediately before the date of commencement of this Ordinance, a person was receiving, or was entitled to receive, weekly payments in accordance with the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance.

(2.) Where, before the date of commencement of this Ordinance, a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with the Principal Ordinance would have been payable immediately before that date but for the fact that he was not then incapacitated for work, and on or after that date he becomes incapacitated for work as a result of the injury or disease, weekly payments in respect of that incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

(3.) Where, on or after the date of commencement of this Ordinance, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under the Principal Ordinance, compensation shall be paid in respect of that death in accordance with the Principal Ordinance as amended by this Ordinance.

THE SCHEDULE

Section 4.

AMENDMENTS OF THE PRINCIPAL ORDINANCE

| Provisions amended       | Omit  | Insert  |
|--------------------------|---|---|
| Section 10 (1) .. ..     | Twelve thousand dollars   | Thirteen thousand five hundred dollars                |
| Section 12 (1) .. ..     | Twelve thousand dollars   | Thirteen thousand five hundred dollars                |
| First Schedule—          |   |   |
| Paragraph 1 (a) (i) ..   | Twelve thousand dollars   | Thirteen thousand five hundred dollars                |
| Paragraph 1 (a) (iii) .. | Sixty Pounds  | Three hundred dollars                                 |
| Paragraph 1 (b) ..       | Thirty-one dollars eighty cents   | Thirty-five dollars                                   |
| Paragraph 1 (b) (i) ..   | Seven dollars seventy cents   | Eight dollars fifty cents                             |
| Paragraph 1 (b) (ii) ..  | Two dollars eighty cents  | Five dollars  |
| Paragraph 1 (c) (i) ..   | Thirty-one dollars eighty cents   | Thirty-five dollars                                   |
| Paragraph 9A .. ..       | than Two hundred and eighty dollars<br>and Two hundred and eighty dollars | than Five hundred dollars<br>and Five hundred dollars |