

Approved form AF2002-152

made under the

Workers Compensation Rules 1938

Workers Compensation Rules 1938— Form 27

(see r 35)

Form of memorandum under the Act, schedule 4, clause 9

(i) *In case of injury to worker by accident.*

To the Registrar of the Magistrates Court, Canberra.

In the matter of the *Workers' Compensation Act 1951*,

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 _____, _____,
personal injury was sustained by the above-named _____, _____ a
worker under no legal disability, [*or a child of the age of*
_____ years,] being injury arising out of and in the course of his or her
employment.

And that on the _____, the following agreement was come to by and between _____ and _____ : [*or* And that on the day of _____ 20 _____, the following decision was given by a committee representative of the said _____ and their workers, having power to settle matters under the above-mentioned Act in the case of _____ and their workers] [*or* And that on the _____ day of _____ 20 _____, 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 this matter, is annexed.]

[*Add, if so, The _____ attended the arbitration on _____.*]

You are requested to record this memorandum, pursuant to the *Workers Compensation Act 1951*, schedule 4, clause 9.

Dated:

[*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 workers by industrial disease.*

To the Registrar of the Magistrates Court.

In the matter of the *Workers Compensation Act 1951*,

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 , a medical referee,
appointed for the purposes of the *Workers' Compensation Act 1951*,
certified that A.B., of , a

worker under no legal disability [or a child of the age of years],
was suffering from , a disease coming within the *Workers Compensation
Act 1951*, section 9 of, and was thereby disabled from earning full wages at
the work at which he or she was employed.

[or That on , A.B. of , a
worker under no legal disability [or a child of the age of
years] was, under the [give the short title of the Act in question] suspended
from his or her usual employment on account of his or her having
contracted , a disease coming within the *Workers
Compensation Act 1951*, section 9.

And that A.B. alleged that the disease was due to the nature
of his or her employment in [describe
employment], of , and that he or she was
last employed in such employment within the 12 before the date of
disablement or suspension by C.D., of .

And that on ,
the following agreement was come to by and between the said
and :

[or And that on , the following
decision was given by a committee representative of the said
and their workers, having power to settle matters under the Act in the case
of and their workers:]

[or And that on , the following
award was made and given by me, the undersigned
being an arbitrator agreed on by and :]

[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 this matter, is annexed.

[Add, if so, The medical referee _____ attended the arbitration on _____.

You are requested to record this memorandum, under the *Workers Compensation Act 1951*, schedule 4, clause 9.

Dated:

[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 Registrar of the Magistrates Court, Canberra.

In the matter of the *Workers Compensation Act 1951*,

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 _____,
personal injury was sustained by _____ late of _____,
deceased, being injury arising out of and in the course of his or her
employment, and that on _____,
died as the result of such injury.

And that on _____, the following
agreement was come to by and between _____, the

dependants of _____ within the meaning of the
Workers Compensation Act 1951, and _____ :

[*or* And that on _____, the following decision
was given by a committee representative of _____ and their
workers, having power to settle matters under the *Workers Compensation
Act 1951* in the case of _____ and their workers:]

[*or* And that on _____, the following award was
made and given by me, the undersigned _____, being an
arbitrator agreed on by _____ the dependants of
, within the meaning of the *Workers Compensation Act 1951*, and
:]

[*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 this matter, is annexed.

[*Add, if so*, The medical referee _____ attended the arbitration
on _____.

You are requested to record this memorandum, under the *Workers
Compensation Act 1951*, schedule 4, clause 9.

Dated:

[*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 Registrar of the Magistrates Court, Canberra.

In the matter of the *Workers Compensation Act 1951*,

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 *Workers Compensation Act 1951* certified that A.B.

of was suffering from , a disease
coming within that Act, section 9, and was thereby disabled from earning
full wages at the work at which he or she was employed; and on

A.B. died, his or her death
being caused by the said disease;

[Or, That on A.B.
of was, under the [*give short title of the Act in
question*], suspended from his or her usual employment on account of his or
her having contracted , a disease coming within the
Workers Compensation Act 1951, section 9, and on

A.B. died, his or her death being caused by the said
disease:]

[Or, That on A.B.
late of died, his or her death being caused by
, a disease coming within the *Workers Compensation
Act 1951*, section 9:

And that the dependants of A.B. alleged that the
disease was due to the nature of the employment of the said A.B.

in [*describe employment*] and that he or she was last
employed in such employment within 12 months before his or her
disablement or suspension [*or, if the worker died without having obtained a
certificate of disablement, or was at the time of his or her death in receipt
of a weekly payment on account of disablement, within 12 months before
his or her death*] by C.D. of .]

And that on , the following agreement
was come to by and between , the dependants of

, within the meaning of the *Workers
Compensation Act 1951*, and

that is to say: [or And that on

, the following decision was given by a committee representative of the said and their workers, having power to settle matters under the that Act in the case of and their workers:]

[*or* And that on , the following award was made and given by me, the undersigned, being an arbitrator agreed on by , the dependants of , within the meaning of the *Workers Compensation Act 1951*, and .]

[*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 this matter, is annexed.]

[*Add, if so,* The medical referee attended the arbitration on .]

You are requested to record this memorandum, the *Workers Compensation Act 1951*, schedule 4, clause 9.

Dated:

[*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.

Endnotes

- 1 This form was originally in the *Workers Compensation Rules 1938*, schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the rules and became a form approved under the rules, rule 89 (see amdt 1.2805, amdt 1.2807).
- 2 This republication includes amendments made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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