



Australian Capital Territory

Workers Compensation Rules 1938 (repealed)

made under the

Magistrates Court (Civil Jurisdiction) Act 1982

Republication No 4

Republication date: 3 July 2002

Amendments incorporated to 1 July 2002

As repealed by Act 2001 No 81

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Workers Compensation Rules 1938* (repealed), made under the *Magistrates Court (Civil Jurisdiction) Act 1982*. It includes any commencement, amendment, repeal or expiry affecting the republished law to 1 July 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
1 July 2002



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Contents

	Page	
Part 1	Preliminary	
1	Name of rules	2
5	Definitions for rules	2
6	Application of rules	2
Part 2	Arbitration proceedings	
Division 2.1	Applications for arbitration	
7	Parties to proceedings	3
8	Application by dependants	3

Contents

	Page	
9	Application by dependants where amount of compensation agreed or ascertained	4
10	Parties in proceedings respecting determination of sums payable for medical treatment and burial—no dependants	5
11	Parties under disability	5
12	Request for arbitration	5
13	Forms of request and particulars	6
14	Application by employer	7
15	Copies for court etc	7
16	Where applicant is illiterate etc	7
Division 2.2 Proceedings in arbitration before the court		
17	Fixing day for hearing	8
18	Notice to parties of day fixed	8
19	Service on respondents	8
19A	Service on insurer	9
20	Answer by respondent	10
21	Submission to award or payment into court by respondent	11
22	Claims to indemnity under Act, s 14	15
23	Appearance by third party	16
24	Proceedings on default of appearance by third party	16
25	Applications for directions	17
26	Costs as between third parties and other parties	17
27	Claims to indemnity under Act, s 12, or otherwise than under Act, s 14	18
28	Third party procedure where employer is applicant	20
29	Claim to indemnity as between respondents	20
30	Abridgment of time for service etc	20
31	Procedure on arbitration	21
31A	Apportionment between insurers	21
32	Awards and orders	21
Division 2.3 Diseases		
33	Application of Act and rules to cases of industrial disease	22
Division 2.4 Appointment of new arbitrators		
34	Appointment of new arbitrators	23

	Page
Division 2.5	
Registration, reference and removal of memoranda and agreements	
35	24
36	25
37	26
38	26
39	27
40	27
41	27
42	28
43	28
44	29
45	31
Division 2.6	
Payment and investment of money and suspension of payments	
46	32
47	32
48	33
49	34
50	38
51	40
52	40
53	41
54	41
55	42
56	42

Contents

		Page
57	Worker receiving weekly payment ceasing to reside in the Territory	43
58	Payment of arrears of weekly payments on death of worker residing out of the Territory	46
Part 3	Costs and fees	
59	Costs	47
60	Costs awarded by committee or arbitrator	48
61	Taxation of costs	48
62	Review of taxation	49
64	Application to determine costs payable to solicitor or agent	49
65	Provisions as to order declaring lien etc	51
68	Amounts paid to witnesses	52
68A	Expenses of preparing plans etc	53
Part 4	Enforcement of awards and agreements	
71	Other proceedings for enforcement of award etc	54
Part 5	Appeals and questions of law	
72	When award or order may be set aside or varied	55
73	Submission of question of law by committee or arbitrator to court	55
74	Appeals to the Supreme Court	57
Part 6	Medical referees	
75	Application for reference to a medical referee	58
76	Application for assessors	59
77	Submission to medical referee	60
78	Summoning of and references to medical referees	60
Part 7	Miscellaneous	
79	Appearance of parties	62
80	Note to be taken of question of law raised etc and copy furnished	63
82	Filing and service of documents and notices	63
83	Procedure where parties act by solicitors, and substituted service and notice in lieu of service	64
84	Rules 11 and 79 to apply to all proceedings	66
85	Procedure where no special provision made	66
contents 4	Workers Compensation Rules 1938 (repealed)	R4

	Page
86 Applications to be in writing	66
87 Records of proceedings and the special register	66
88 Approved forms, or like forms, to be used	69
89 Approved forms	69
 Schedule 2 Scale of costs	 71
 Endnotes	
1 About the endnotes	73
2 Abbreviation key	73
3 Table of rules	74
4 Table of amendments	75
5 Earlier republications	77

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Part 1 Preliminary

1 Name of rules

These rules are the *Workers Compensation Rules 1938*.

5 Definitions for rules

In these rules:

committee means a committee representative of an employer and his or her workers with power to settle matters under the Act in the case of the employer and his or her workers.

court means the Magistrates Court.

medical referee means a legally qualified medical practitioner appointed by the Minister to be a medical referee for the purposes of the Act.

principal has the same meaning as in the Act, section 14.

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 Act means the *Workers Compensation Act 1951*.

the registrar means the person acting as registrar of the court.

6 Application of rules

These rules shall apply to proceedings taken in all cases (including pending cases) where the injury occurred after the commencement of the Act.

Part 2 Arbitration proceedings

Division 2.1 Applications for arbitration

7 Parties to proceedings

- (1) Where an application is made for the settlement of the court of any matter which under the Act 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*.
- (2) In any case in which both the principal and a contractor with him or her or 2 or more principals or employers are alleged to be liable to pay compensation under the Act, whether jointly, severally, or in the alternative, they may be joined as respondents.

8 Application by dependants

- (1) An application on behalf of the dependants of a deceased worker 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 worker 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.
- (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) In this rule:

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 dependant persons in respect of whom compensation is claimed.

9 Application by dependants where amount of compensation agreed or ascertained

- (1) In any case in which the amount payable as compensation to the dependants of a deceased worker 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 worker 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 worker, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants.
- (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 or her a respondent, but if such compensation or any part thereof is still in his or her hands he or she shall be made a respondent.
- (3) The employer, if made a respondent, may pay the amount of compensation in his or her hands into court, to be dealt with as the court directs, and thereupon further proceedings against him or her shall be stayed.

- (4) The registrar shall, as soon as practicable after the time of payment made under subrule (3), 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 rule 21 (6) (c).

10 Parties in proceedings respecting determination of sums payable for medical treatment and burial—no dependants

- (1) An application for the settlement by arbitration of the compensation payable in respect of the expenses of medical treatment on and the burial of a deceased worker who leaves no dependants shall be made by the legal personal representative (if any) of the deceased worker. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. 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.

11 Parties under disability

The provisions of the *Magistrates Court (Civil Jurisdiction) Act 1982* as to persons under disability shall, with the necessary modifications, apply to proceedings by way of arbitration under the Act:

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 or she were of full age.

12 Request for arbitration

- (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 registrar a request for the arbitration intitled in the matter of the Act 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; and
 - (b) the date of service of notice of the injury 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 or her solicitor, if the proceedings are commenced through a solicitor.

13 Forms of request and particulars

- (1) The request and particulars shall be in accordance with such 1 of forms 1 to 7 as is applicable to the case, with such modifications as the nature of the case requires.
- (2) A copy of the notice of the injury 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.

14 Application by employer

- (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 or she shall file a request for arbitration in accordance with rule 12, to which the worker, or the legal personal representative (if any) and the persons claiming or who may be entitled to claim to be dependants of a deceased worker, 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; and
 - (b) a statement whether the applicant admits his or her 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 or she denies liability; and
 - (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 or her solicitor, if the proceedings are commenced through a solicitor.

15 Copies for court etc

The applicant shall deliver to the registrar with the request and particulars a copy thereof for the use of the court, a copy for each respondent to be served and, if a respondent is an employer, a copy for the relevant approved insurer.

16 Where applicant is illiterate etc

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 registrar.

Division 2.2 Proceedings in arbitration before the court

17 Fixing day for hearing

On the filing of a request for arbitration, the registrar 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 14 clear days before the day so fixed.

18 Notice to parties of day fixed

- (1) On the day for proceeding with an arbitration being fixed, the registrar 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 and any relevant approved insurer, 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.
- (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 Service on respondents

- (1) The copies and notices mentioned in rule 18 shall, subject to the provisions of rule 30, be served on the respondents at least 14 clear days before the day fixed for proceeding with the arbitration.

- (2) The copies and notices mentioned in rule 18 may be served by a bailiff of the court or by the applicant or any competent person employed by him or her.
- (3) Service may be in accordance with the provisions of the Act, section 25 (5) or (6) with reference to service of notice in respect of an injury, and the provisions of those subsections shall apply to such service.
- (4) The applicant shall (unless the respondent files an answer) file with the registrar 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.

19A Service on insurer

Where—

- (a) an employer is a respondent to a request for arbitration; and
- (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 registrar a certificate in accordance with form 10A.

20 Answer by respondent

- (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 injury or of death, disablement or suspension was not given as required by the Act, or that the claim for compensation was not made within the time limit by the Act, or intends to deny (wholly or partially) his or her liability to pay compensation under the Act, he or she shall, 7 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 registrar an answer in accordance with form 11, stating his or her name and address, and the name and address of his or her solicitor (if any), and stating that he or she 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 or she desires to bring to the notice of the court or on which he or she intends to rely, or the grounds on and extent to which he or she denies liability.

- (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 registrar 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 Act shall be taken to be admitted:

Provided that in case of noncompliance with this rule, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself or herself of any matter of which he or she 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 or herself 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 or she denies, wholly or partially, his or her liability to pay compensation.

21 Submission to award or payment into court by respondent

- (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 worker—
 - (i) file with the registrar a notice in accordance with form 12 that he or she submits to an award for the payment of a weekly sum, to be specified in the notice; or
 - (ii) file with the registrar a notice in accordance with form 12 that he or she submits to an award for the payment of a

lump sum, to be specified in the notice, which he or she considers to be sufficient to cover his or her 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 worker, or for the settlement of the compensation payable in respect of the expenses of medical treatment on and the burial of a deceased worker who leaves no dependants—

file with the registrar a notice in accordance with form 12 that he or she admits liability, and pay into court such sum of money as he or she considers sufficient to cover his or her 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 or her name and address, and further stating that notwithstanding such submission or payment he or she denies his or her 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 registrar shall, as soon as practicable after the time of any notice filed or payment made under subrule (1) or (2), 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 worker, and elects to accept in satisfaction of his or her claim the weekly payment or the lump sum specified in the respondent's notice, he or she 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 registrar and to the respondent by post, or leave at the office of the registrar 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 worker, or for the settlement of the compensation payable in respect of the expenses of medical treatment 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 or she 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 registrar and to the respondent by post, or leave at the office of the registrar 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 registrar and to the applicant and the other respondents.

- (6) If the applicant is a worker, and elects to accept in satisfaction of his or her 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 worker 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 worker;

- (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; or
 - (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 her 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 or she shall give notice of his or her intention in his or her 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 or she 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 or she 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 lastmentioned 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.

22 Claims to indemnity under Act, s 14

Where a respondent claims to be entitled under the Act, section 14 to indemnity against any person not a party to the arbitration, he or she shall, seven clear days at least before the days 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 or her claim in accordance with form 16; and the registrar 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 rule 19 (2) to (6) shall apply to such service.

23 Appearance by third party

If any person served with a notice under rule 22 (in these rules, other than in rule 27, called 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 or her own liability to the respondent, he or she shall appear before the court on the day fixed for proceeding with the arbitration, or on any day to which he or she may have received notice from the registrar that the arbitration has been adjourned or postponed; and, in default of his or her so doing, he or she 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 or her own liability to indemnify the respondent to the extent claimed in the notice served on him or her 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 or her 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.

24 Proceedings on default of appearance by third party

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 her, or the amount recovered against him or her:

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.

25 Applications for directions

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.

26 Costs as between third parties and other parties

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.

27 Claims to indemnity under Act, s 12, or otherwise than under Act, s 14

- (1) Where a respondent claims that if compensation is recovered against him or her he or she will be entitled under the Act, section 22, or otherwise than under the Act, section 14, to indemnity against any person not a party to the arbitration, he or she may, if he or she 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 or her claim in accordance with rule 22.
- (2) If any person served with a notice under subrule (1) (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 or she shall appear before the court on the day fixed for proceeding with the arbitration, or on any day to which he or she may have received notice from the registrar that the arbitration has been adjourned or postponed; and in default of his or her so doing he or she 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 or her 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 or her 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 her, or the amount recovered against him or her; 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 claim 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 subrule (5), proviso, paragraph (a) or (b), 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 Third party procedure where employer is applicant

The provisions of rules 22 to 27 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.

29 Claim to indemnity as between respondents

- (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 lastmentioned respondent were a third party.
- (2) Nothing contained in this rule shall prejudice the rights of the applicant against any respondent.

30 Abridgment of time for service etc

The court or the registrar 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.

31 Procedure on arbitration

- (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 claim under the *Magistrates Court (Civil Jurisdiction) Act 1982*.
- (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.

31A Apportionment between insurers

Where, in an arbitration, the court makes an award against more than 1 insurer, the court shall apportion the amount so awarded among those insurers as it sees fit.

32 Awards and orders

- (1) The award of the court on any arbitration shall be in accordance with form 17 and prepared and settled by the registrar, 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 registrar 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 registrar 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 2.3 Diseases

33 Application of Act and rules to cases of industrial disease

In the application of the Act and these rules to the case of a worker disabled by or suspended on account of his or her having contracted any disease, or in the case of a worker whose death has been caused by any disease, the following provisions shall apply:

- (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 for the purposes of the Act, section 9 (3), he or she shall file with the registrar in duplicate a notice in accordance with form 21; and thereupon the registrar 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 paragraph (c), copies of the notice pursuant to which he or she 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 the day and hour on and at which the arbitration will be proceeded with, shall be issued by the registrar 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 or her as if he or she 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 to be entitled to contribution from any other employer, he or she may, by notice in accordance with form 16, bring in such other employer as a third party in accordance with rules 22 to 26, 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 2.4 Appointment of new arbitrators

34 Appointment of new arbitrators

- (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 registrar in accordance with form 25 to fix a time and place for the hearing of the application.
- (2) The registrar shall fix the hearing of the application before the court for any sitting thereof appointed to be held within 14 days from the date of the application to the registrar, but so that he or she shall not, except by consent, fix the hearing for a day less than 7 days from the date of the application.
- (3) On the time and place for the hearing of the application being fixed, the registrar shall issue to the applicant a summons in accordance with form 26, addressed to the other party to the arbitration, and requiring him or her 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 not less than 4 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 registrar in the prescribed manner.

Division 2.5 Registration, reference and removal of memoranda and agreements

35 Recording of memorandum of agreement etc

- (1) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is by the Act, schedule 4, clause 9 required to be sent to the registrar, shall be in accordance with form 27, and shall be left at the office of the registrar, or sent by post by registered letter addressed to the registrar at his or her office, as soon as may be after the matter has been decided.
- (2) Where the matter is decided after a medical referee has been appointed to report on any matter under the Act, schedule 4, clause 14 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 rule 44 (1), a separate statement as required by that subrule shall be prepared in accordance with form 28 and shall be left or sent with the memorandum of the agreement.

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

- (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 rule 35, or to deliver it to some party interested, to be by him or her 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 authorised to sign on their behalf, or of an agent duly authorised 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 registrar 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 registrar 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 or she 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 Act and these rules.

37 Notice to parties interested of memorandum having been received

On the receipt of the memorandum and copies, the registrar shall send one of the copies to every party interested, with a notice in accordance with form 29, requesting such party to inform him or her within 7 days from the date of the notice whether the memorandum is genuine, or whether he or she disputes its genuineness, and, if so, on what grounds.

38 Recording of memorandum if genuineness not disputed

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 registrar shall, subject to the Act, schedule 4, clause 9, proviso (d) and to rules 42 and 44, record the memorandum without further proof.

39 Where genuineness disputed or objection made to memorandum being recorded

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 worker seeks to record a memorandum of an agreement between his or her employer and himself or herself, the employer alleges that the worker has in fact returned to work and is earning the same wages as he or she did before the injury, 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 registrar a notice in accordance with form 30, stating the grounds on which he or she 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.

40 Notice of dispute or objection

On the receipt of any notice referred to in rule 39, the registrar 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.

41 Subsequent proceedings

- (1) If the consent mentioned in rule 40 is obtained, the registrar shall, subject to the Act, schedule 4, clause 9, proviso (d) 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 registrar may amend the memorandum accordingly, and record it without further proof.

42 Where objection made to adequacy of sum payable, or information given as to matters mentioned in Act, sch 2, cl 8 (d)

Where a memorandum of an agreement as to any matter referred to in rule 44 (1) is presented for registration, and any party interested, on receipt of the notice mentioned in rule 37, or the notice mentioned in rule 44 (2), 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 registrar any information bearing on the question whether the memorandum may properly be recorded, regard being had to the Act, schedule 4, clause 9, proviso (d), the registrar shall before recording the memorandum proceed to consider the objection or information in accordance with that proviso, and with rule 44.

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

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 the Act, schedule 4, clause 9:

- (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 registrar, 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; and

- (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;

10 clear days at least before the hearing of the application, unless the court or the registrar 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 claim under the *Magistrates Court (Civil Jurisdiction) Act 1982*;
- (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 the Act, schedule 4, clause 9, proviso (d);
- (e) the provisions of the Act and these rules as to the costs of an arbitration before the court shall apply to any such application.

44 Reference to court of agreements

- (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.
- (2) In any such case the registrar 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 or her by letter or by

personal interview at his or her 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 registrar, and which may assist him or her in deciding whether the memorandum may properly be recorded; and the registrar shall make such further inquiries and obtain such further information as he or she thinks necessary in order to satisfy himself or herself that the memorandum may properly be recorded, regard being had to the Act, schedule 4, clause 9, proviso (d); 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 registrar, on any information which he or she considers sufficient, that the memorandum ought not to be recorded for any reason mentioned in the Act, schedule 4, clause 9, proviso (d), he or she shall report, in writing, to the court stating the information he or she has obtained, and the grounds on which it appears to him or her that the memorandum ought not to be recorded.
- (4) If on consideration of the report of the registrar 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 registrar it appears to the court that the memorandum should not be recorded without further inquiry, the registrar shall send notice to the parties interested, in accordance with form 34, informing them that he or she 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 10 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 claim under the *Magistrates Court (Civil Jurisdiction) Act 1982*.

- (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 Act 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 registrar has been rendered necessary by the neglect or refusal of any party to an agreement to furnish any information reasonably required of him or her by the registrar, that party may be ordered to pay the costs of the inquiry.

45 Removal of record of agreement from register

- (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 the Act, schedule 4, clause 9, proviso (e) 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 registrar 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 subrule (1), the registrar 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 rule 44, and the provisions of that rule shall apply to the inquiry.

Division 2.6 Payment and investment of money and suspension of payments

46 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

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 Act 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 registrar shall be a sufficient discharge in respect of the amount paid in; and the provisions of the Act, schedule 1, clause 6 and of rule 49 shall apply to the payment into court and the investment and application of such lump sum.

47 Application to stay proceedings or suspend weekly payments on refusal of worker to submit to examination

- (1) In any case in which a worker has given notice of an injury, or is receiving weekly payments under the Act, and the employer alleges that the worker refuses to submit himself or herself to medical examination in accordance with schedule 1, clause 5, 10 or 11 to the Act, 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 Act 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 worker has given notice of an injury, but no proceedings are pending, or proceedings are pending before the court, the application shall be made to the court.
- (4) Where the worker 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 worker or his or her solicitor 5 clear days before the hearing of the application, unless the court or the registrar gives leave for shorter notice.

48 Suspension of weekly payment pending application for review

- (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.

- (2) Where an employer intends to apply for an order of suspension or payment into court under subrule (1), he or she shall file with the registrar notice of his or her intention, specifying the date on which he or she alleges that incapacity wholly or partially ceased; and copies thereof shall be served in accordance with rule 43 5 clear days at least before the hearing of the application to record, unless the court or the registrar 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 or her 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 subrule (4) 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 worker 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 Payment into court, investment and application of payment in case of death

- (1) Matters in relation to payments into court pursuant the Act, schedule 1, clause 6 in case of death shall be dealt with in accordance with the provisions of this rule.

- (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 registrar a præcipe in accordance with form 38 and the registrar 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 registrar 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 parent or guardian, it shall be sufficient to send the notice to the parent 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 the Act, schedule 1, clause 6.
- (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 the Act, schedule 1, clause 6.

- (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 the Act, schedule 1, clause 6;
 - (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 Act 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 the Act, schedule 1, clause 6.
- (8) Where any question is settled by the court by arbitration in accordance with subrule (7), 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 the Act, schedule 1, clause 6, 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 registrar, 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, 7 clear days at least before the hearing of the application, unless the court or the registrar 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 claim under the *Magistrates Court (Civil Jurisdiction) Act 1982*;
 - (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 the Act, schedule 1, clause 6 and this rule as it thinks fit;
 - (e) the provisions of the Act 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 registrar 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 the Act, schedule 1, clause 6 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 registrar, 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 Payment into court in case of death where liability admitted, but amount not determined

- (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 or she admits to be payable as compensation.
- (2) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate in accordance with form 42, containing as 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 registrar, 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 registrar shall make such inquiries and obtain such information as he or she thinks necessary to satisfy himself or herself 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 registrar that the amount paid in is adequate, he or she shall forthwith send by post to each of the persons appearing by the præcipe 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 parent or guardian, it shall be sufficient to send the notice to the parent or guardian only.

- (5) Where it appears to the registrar that the amount paid in is inadequate, he or she shall report to the court in writing, stating the information he or she has obtained and the grounds on which it appears to him or her that the amount paid in is inadequate.
- (6) If on consideration of the report of the registrar it appears to the court that the amount paid in is adequate, it may direct the registrar to send to the parties interested notice of payment in accordance with subrule (4).
- (7) If on consideration of the report of the registrar it appears to the court that further inquiry should be made, the registrar shall, subject to any direction of the court, give 7 clear days notice to the employer and to the parties appearing by the præcipe to be interested in the money paid into court, in accordance with form 44, informing them that he or she 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 rule 44 (6), (7) and (9) shall apply.
- (8) Where notice of payment into court is sent in accordance with subrule (4) or (6), 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 Act 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 the Act, schedule 1, clause 6 and rule 49 (8), (9), (10), (12) and (13); 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 rule 49 (7) to (10), (12) and (13).
- (9) An employer paying money into court under this rule shall not (except under rule 44 (9), 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 this rule, subrule (8)), 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.

51 Payment into court in case of death where liability denied

- (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 registrar a *præcipe* (in duplicate) in accordance with form 43, containing a statement of the particulars mentioned in that form. The registrar 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 registrar shall proceed according to rule 50 (3), and the provisions of that rule shall apply to proceedings subsequent to the payment.

52 Payment into court by solicitor or agent of employer

Where money is to be paid into court under rule 49, 50 or 51, it may be paid in by the employer or his or her solicitor, or by an agent of the employer duly authorised on his or her 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.

53 Application for payment into court of weekly payment to person under legal disability

- (1) An application under the Act, schedule 1, clause 7 for an order that a weekly payment payable under the Act 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 or her solicitor 7 clear days at least before the hearing of the application, unless the court or the registrar 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 registrar 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.

54 Application for variation of order as to apportionment among dependants etc

- (1) An application for the variation of an order of the court under the Act, schedule 1, clause 9 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 registrar, 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 Application of amount allotted to dependant in case of death

- (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.
- (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 the Act, schedule 1, clause 9 and to rule 54.
- (3) In default of and subject to any such order, the court may, on application made in accordance with rule 54 (2) and (3), order that the balance be paid out or transferred to the legal personal representative of the deceased dependant.

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

Where pursuant to the Act, schedule 1, clause 13 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 the Act, schedule 1, clause 6 and of rule 49 shall apply to the investment and application of that lump sum.

57 Worker receiving weekly payment ceasing to reside in the Territory

- (1) The provisions of this rule shall apply in any case where a worker receiving a weekly payment intends to cease to reside in Australia.
- (2) The worker may apply to the registrar to refer to a medical referee the questions whether the incapacity of the worker resulting from the injury is likely to be of a permanent nature or whether the absence of the worker from Australia is desirable for recuperative purposes.
- (3) The application shall be made on notice in accordance with form 48, which shall be filed with the registrar, and shall be accompanied by a report of a medical practitioner selected by the worker, 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 or her 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 worker to submit himself or herself for examination by a medical practitioner provided and paid by the employer, in accordance with the Act, schedule 1, clause 10; and, if the employer requires the worker to submit himself or herself for the examination, he or she shall before or at the hearing of the application furnish the worker with a copy of the report of the practitioner as to the worker's condition, and file a copy of the report for the use of the medical referee.
- (5) The worker and the employer respectively may before or at the hearing of the application submit to the registrar 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 registrar, on being satisfied that the applicant has a bona fide intention of ceasing to reside in Australia, shall make an order in accordance with form 49 referring the question to a medical referee; and if he or she is not so satisfied,

he or she may refuse to make an order, but in that case he or she 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 registrar or the court makes an order referring the question to a medical referee, the registrar shall issue an order in accordance with form 50 directing the worker to submit himself or herself for examination by the medical referee and the provisions of rule 75 (3) to (6) shall, with the necessary modifications, apply.
- (8) The registrar shall with the order of reference forward to the medical referee copies of any statements submitted to him or her by either party.
- (9) The medical referee shall forward his or her certificate in the matter, in accordance with form 51, to the registrar by registered post, specifying therein the nature of the incapacity of the worker resulting from the injury, and whether such incapacity is likely to be of a permanent nature or whether the absence of the worker from Australia is desirable for recuperative purposes and the registrar shall thereupon proceed in accordance with rule 75 (8).
- (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 worker from Australia is desirable for recuperative purposes, the registrar shall, on application, furnish the worker with—
 - (a) a copy of the certificate of the medical referee, certified by the registrar in his or her own handwriting to be a true copy; and
 - (b) a copy of the award or memorandum under which the weekly payment is payable, certified by the registrar to be a true copy; and
 - (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 worker a specimen of his or her signature, and file the same for reference.

- (11) A worker who desires to have the weekly payments payable to him or her transmitted to him or her while residing out of Australia shall at intervals of 3 months from the date to which the payments were last made submit himself or herself for examination by a medical practitioner in the place where he or she is residing, and shall produce to him or her the copy of the certificate of the medical referee and the certificate of identity furnished under subrule (10), and shall obtain from him or her a certificate in accordance with form 54 that the incapacity of the worker resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the worker, before a person having authority to administer an oath.
- (12) The worker 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 subrule (11), and the certificate of the medical practitioner by whom he or she has been examined.
- (13) The worker shall forward the certificate of the medical practitioner and declaration mentioned in subrules (11) and (12) to the registrar, with a request, in accordance with form 56, for the transmission to him or her of the amount of the weekly payments due to him or her, specifying the place where and the manner in which the amount is to be transmitted, which request shall be signed by the worker in his or her own handwriting.
- (14) On receipt of the certificate, declaration, and request, the registrar shall examine them, and may, if not satisfied that they are in order, return them for correction.
- (15) If the registrar is satisfied that the certificate, declaration and request are in order, or when they are returned to him or her in order, he or she shall send to the employer a notice in accordance with form 57 requesting him or her to forward the amount due; and the employer shall thereupon forward the amount to the registrar, who shall transmit, at the cost and risk of the worker, the amount, less any court fees payable to the registrar and the costs of the transmission,

to the worker at the address and in the manner requested by him or her.

58 Payment of arrears of weekly payments on death of worker residing out of the Territory

- (1) In the event of the death of a worker in receipt of weekly payments while residing out of Australia, his or her representatives shall, for the purpose of obtaining payment of the arrears due to the worker, forward to the registrar a certificate of the death of the worker, 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) In this rule:
representatives means—
 - (a) if the worker leaves a will, the executors of the will; or
 - (b) if the worker dies intestate, the persons who are according to law entitled to his or her 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 registrar shall examine them, and may, if not satisfied that they are in order, return them for correction.
- (4) If the registrar is satisfied that the certificate and documents are in order, or, when they are returned to him or her, are in order, he or she shall send to the employer a notice requesting him or her to forward the amount of the arrears due, and the employer shall thereupon forward the amount to the registrar, who shall transmit, at the cost and risk of the representatives of the worker, the amount, less any court fees payable to the registrar and the costs of transmission, to those representatives at the address and in the manner requested by them.

Part 3 Costs and fees

59 Costs

- (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 Act, 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 schedule 2:

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 registrar, subject to review by the court.
- (3) Where proceedings are taken for which no provision is made by these rules, the court, or the registrar, subject to review by the court, may in respect of such proceedings, allow reasonable costs not exceeding those which may under schedule 2 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 worker is examined by a medical referee on a reference under the Act, schedule 1, clause 11 and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the worker 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 worker is ordered to submit himself or herself for examination by a medical referee appointed to report under the Act, schedule 4, clause 14 any reasonable expenses incurred by the worker 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 registrar in the prescribed manner.

60 Costs awarded by committee or arbitrator

Where any costs are awarded by a committee or an arbitrator, the registrar shall, on application made to him or her either at the time that the memorandum of the decision of the committee or arbitrator is recorded pursuant to the Act, schedule 4, clause 9 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.

61 Taxation of costs

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.

62 Review of taxation

- (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 2 clear days at least before the hearing of the application, unless the court gives leave for shorter notice.
- (2) The application shall be heard and determined upon the evidence which has been brought in before the registrar 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.

64 Application to determine costs payable to solicitor or agent

- (1) The following provisions shall apply to an application under the Act, schedule 4, clause 13 for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Act.
- (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 subrule (3) (a), 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 or she 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 schedule 2, and shall be taxed by the registrar 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 registrar, subject to review by the court.

65 Provisions as to order declaring lien etc

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 or she 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 registrar shall, on application made to him or her, 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 registrar 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 lastmentioned 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 or she is entitled, but so that such party shall not be liable to pay any amount in excess of that which he or she is liable to pay for compensation, or to pay such amount by any other instalments than those by which he or she is liable to pay compensation;
- (e) if the party liable to pay compensation fails on demand to pay any amount which he or she 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 or her, 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 or her out of that sum.

68 Amounts paid to witnesses

- (1) Subject to this rule, on a taxation of costs in arbitration proceedings, amounts paid to witnesses for their attendance on the court or the committee or other assistance at the hearing of those proceedings shall be allowed.
- (2) The costs that may be awarded to a party to arbitration proceedings in respect of the attendance of a person on the court or the committee as a witness in the proceedings are—
 - (a) such amount as the court or the committee orders at a rate not exceeding the rate applicable, and subject to the same conditions as are applicable, in relation to witnesses' expenses in an action in the Supreme Court; or
 - (b) if such an order is not made in the proceedings—such amount as the registrar allows on taxation at a rate not exceeding those rates and subject to those conditions.
- (3) On a taxation of costs in arbitration proceedings, an amount referred to in subrule (1) or (2)—
 - (a) in respect of a witness who gave evidence at the hearing of the proceedings—shall be allowed unless the court or the committee otherwise orders; or

- (b) in respect of a witness who did not give evidence at the hearing of the proceedings—may be allowed if the registrar thinks fit, whether or not the witness was served with a summons for his or her attendance on the court or the committee.

68A Expenses of preparing plans etc

In arbitration proceedings, the court or the committee may order that the expenses of preparing and proving plans, drawings, models, photographs or the like for the purposes of the proceedings be allowed or disallowed, and where—

- (a) the court or the committee orders that those expenses be so allowed; or
- (b) the court or the committee makes no order in relation to the allowance or disallowance of those expenses and the registrar thinks fit to allow those expenses,

on taxation, amounts paid in respect of those expenses shall be allowed in such amount as the registrar thinks fit.

Part 4 Enforcement of awards and agreements

71 Other proceedings for enforcement of award etc

The provisions of the *Magistrates Court (Civil Jurisdiction) Act 1982* 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 shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award or memorandum.

Part 5 Appeals and questions of law

72 When award or order may be set aside or varied

- (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 Act; or
 - (c) that any person who is in fact a dependant as defined by the Act 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 6 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.

73 Submission of question of law by committee or arbitrator to court

- (1) Where a committee or an arbitrator submits any question of law for the decision of the court under the Act, schedule 4, clause 3 such submission shall be in the form of a special case.

- (2) The case shall be intitled in the matter of the Act 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 registrar, 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 registrar 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 10 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 registrar shall, on the application and at the cost of any party, furnish him or her 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 or her 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 Act and these rules as to such costs shall apply accordingly.

74 Appeals to the Supreme Court

- (1) Appeals under the Act, section 26 and submissions of questions of law under the Act, schedule 4, clause 3 shall be in accordance with the provisions of the *Supreme Court Rules* 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 registrar; and the registrar shall file the order or copy, and the order shall have the same effect as if it had been a decision of the Magistrates Court.
- (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 registrar 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 6 Medical referees

75 Application for reference to a medical referee

- (1) The provisions of this rule shall apply with respect to applications to the registrar pursuant to the Act, schedule 1, clause 11 to refer any matter to a medical referee.
- (2) An application to the registrar 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 worker either on behalf of the employer or on the selection of the worker. 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 registrar 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 registrar shall also make an order in accordance with form 63 directing the worker to submit himself or herself for examination by the medical referee, subject to and in accordance with any regulations made in pursuance of the Act.
- (5) Before making an order in accordance with form 63, the registrar shall inquire whether the worker is in a fit condition to travel for the purpose of examination, and, if satisfied that he or she is in a fit condition, shall by the order direct him or her to attend at such time and place as the referee may fix, and if satisfied that he or she is not in a fit condition to travel shall so state in the order of reference; and it shall be the duty of the worker, on being served with the order, to submit himself or herself for examination accordingly.

- (6) The registrar shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the worker a copy of the order directing him or her to submit himself or herself for examination.
- (7) The medical referee shall forward his or her certificate in the matter to the registrar by registered post.
- (8) On the receipt of the certificate of the medical referee, the registrar 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 or her with a copy of the certificate, or allow him or her to take a copy thereof.
- (9) The fee payable by the applicant shall be calculated at the rate of 5% of 26 times the amount of the weekly payments claimed by or payable to the worker, but the total fee shall not exceed \$2.
- (10) The costs of any application to the registrar, including the fee paid under subrule (9), may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the worker, 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 Application for assessors

- (1) Any party to an arbitration may, 7 clear days at least before the day fixed for proceeding with the arbitration, file with the registrar an application in accordance with form 65, requesting the court to summon a medical referee to sit with the court as an assessor under the Act, schedule 4, clause 5.
- (2) On the receipt of an application for an assessor, the registrar shall submit the application to the court, which, if it thinks fit, shall return the application with its approval, and thereupon the registrar 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 registrar 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 registrar shall forthwith summon a medical referee by delivering to him or her 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.

77 Submission to medical referee

- (1) Subject to the *Workers Compensation Regulations 1946*, 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 worker to submit himself or herself for examination by the medical referee, and on being served with the order, the worker shall submit himself or herself for examination accordingly.

78 Summoning of and references to medical referees

- (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 Act:

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 registrar 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.

- (3) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Act 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 worker or a member of his or her 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 or her employment of counsel to so appear or act.

80 Note to be taken of question of law raised etc and copy furnished

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.

82 Filing and service of documents and notices

- (1) Where any document is to be filed with the registrar under these rules, that document shall be so filed by delivering it at the office of the registrar.
- (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 registrar, 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 registrar, 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 or her 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 or she acts by a solicitor, on his or her solicitor, in manner provided by the Act, section 25 (5) or (6) with reference to service of notice in respect of an injury; and the provisions of the *Magistrates Court Act 1930*, section 41 shall apply to the service of any such proceeding, document, or notice, as if it were a summons.

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

The following provisions shall apply to the case of parties acting by solicitors, and as to 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 the rules any act may be done by any party, the act may be done either in person or by his or her 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 or her office or sending the same to

him or her 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 registrar and to the other party, or his or her solicitor, that he or she is so acting, whereupon service of any document, notice or proceeding whatsoever authorised by these rules to be served by or upon a solicitor so acting shall be made by or upon the solicitor accordingly, and he or she shall be deemed to be the solicitor acting for the party on whose behalf he or she 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 or she shall make the necessary copies of each process, and the registrar shall initial the same and return them to the solicitor for service;
- (f) any party who acts by a solicitor may change his or her solicitor without any order for that purpose, but when any change is made he or she shall give 48 hours notice in writing to the registrar 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 registrar shall file the notice given to him or her; 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.

84 Rules 11 and 79 to apply to all proceedings

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

85 Procedure where no special provision made

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 *Magistrates Court Act 1930* and the rules under that Act or the *Magistrates Court (Civil Jurisdiction) Act 1982*, in so far as such procedure and provisions are applicable to proceedings by way of arbitration.

86 Applications to be in writing

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

87 Records of proceedings and the special register

- (1) Proceedings under the Act 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 registrar shall also keep, in accordance with form 69, a special register for the purposes of the Act, in which he or she shall record the following:
 - (a) a memorandum of every application made to the court for settlement of any matter by arbitration;
 - (b) a memorandum of every proceeding taken in any arbitration before the court prior to the award;
 - (c) a memorandum of every appointment of a medical referee by the court, and of his or her report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;

- (d) a memorandum of every award made by the court;
- (e) a memorandum of every special case submitted to the court, and of the proceedings and order thereon;
- (f) a memorandum of every judgment given by the Supreme Court on any appeal;
- (g) 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;
- (h) a copy of every memorandum sent to the registrar pursuant to the Act, schedule 4, clause 9, 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;
- (i) if such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
- (j) if such memorandum is recorded by order of the court, a memorandum of the application to the court, and of the order made thereon;
- (k) if, in the case of a memorandum of an agreement, the registrar 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;
- (l) a memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
- (m) 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;

- (n) a memorandum of every application to the court, under the Act, schedule 4, clause 13, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon;
- (o) 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;
- (p) a memorandum of every application to refer a matter to a medical referee pursuant to the Act, schedule 1, clause 11, and of the order and subsequent proceedings thereon;
- (q) 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 Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
- (r) a memorandum of every sum paid into court pursuant to the Act, schedule 1, clause 6, or under any award or memorandum;
- (s) 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;
- (t) 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;
- (u) 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;
- (v) a memorandum of every application to refer a matter to a medical referee pursuant to the Act, schedule 1, clause 14 in the case of a worker 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 worker, and of the proceedings thereon;

- (w) a memorandum of every application to set aside or vary an award or order under rule 72, and of the proceedings and order thereon;
 - (x) a memorandum of every certified copy of an award or order given pursuant to rule 32;
 - (y) 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 Act.
- (3) Entries made in the special register with respect to a matter brought into the court under the Act 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 Approved forms, or like forms, to be used

- (1) Approved forms, 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 Act.
- (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.

89 Approved forms

- (1) The Minister may, in writing, approve forms for these rules.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) In these rules, a reference to a form by number is a reference to an approved form so numbered.
- (5) If there is not an approved form made under these rules for a document to be filed in a proceeding to which these rules apply, the document must be in a form acceptable to the registrar.
- (6) A form in the first schedule immediately before the commencement of this rule is, after the commencement, taken to be an approved form.
- (7) However, a form mentioned in subrule (6) need not be notified under the *Legislation Act 2001*.
- (8) Subrules (6) and (7) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (9) Subrules (6) to (8) and this subrule expire 1 year after this rule commences.

Schedule 2 Scale of costs

(see rule 59)

Column 1	Column 2	Column 3	Column 4
	Where the subject matter does not exceed \$100 (lowest scale)	Where the subject matter exceeds \$100 but does not exceed \$200 (second scale)	Where the subject matter exceeds \$200 but does not exceed \$400
Proceedings or matter	\$	\$	\$
1. Costs generally—			
(1) Instructions for application for arbitration and preparing and filing application	6.00	8.00	10.00
(2) Preparing answer of respondent or any other notice, including filing and service	6.00	8.00	10.00
(3) Preparing case for applicant or respondent	16.00	20.00	24.00
(4) Letter before arbitration.....	1.00	2.00	2.00
(5) Attending arbitration— For first 3 hours or portion thereof .	16.00	20.00	24.00
For each subsequent hour or portion of an hour	4.00	5.00	6.00
(6) Preparing any other necessary or proper notice not otherwise provided for in this schedule	2.00	2.00	2.00
(7) Preparing any necessary or proper application to the court not provided for in this schedule, including copies of documents, filing and service.....	4.00	5.00	6.00
(8) Preparing any memorandum under the Act, schedule 4 including filing.....	4.00	5.00	6.00
(9) Preparing any other necessary or proper document not otherwise provided for in this schedule, including filing	2.00	2.00	2.00
(10) Præcipe for payment into court, including filing	2.00	2.00	2.00

Schedule 2 **Scale of costs**

Column 1	Column 2	Column 3	Column 4
	Where the subject matter does not exceed \$100 (lowest scale)	Where the subject matter exceeds \$100 but does not exceed \$200 (second scale)	Where the subject matter exceeds \$200 but does not exceed \$400
Proceedings or matter	\$	\$	\$
(11) Any attendance not otherwise provided for which the registrar deems necessary and not for a purpose which could have been effected by any previous or subsequent attendance allowed	2.00	2.00	2.00
(12) Instruction for special affidavit.....	2.00	2.00	2.00
(13) Drawing bill of costs for taxation, including copy for the registrar—per folio	0.40	0.40	0.40
(14) In any other matter for which no provision is made in this schedule the costs shall not exceed those allowable in the Magistrates Court if the matter arose in a claim under the <i>Magistrates Court (Civil Jurisdiction) Act 1982</i>			
(15) Where the subject matter exceeds \$400 but does not exceed \$2,000, the scale of costs is the scale specified in column 4 increased by 25%			
(16) Where the subject matter exceeds \$2,000, the scale of costs is the scale specified in column 4 increased by 50%			
2. The court fees, bailiff's fees and witnesses' fees and mileage which may be included in any costs awarded shall not exceed the amounts, respectively, specified in schedules 3, 4 and 5			
3. Disbursements not otherwise provided for in these rules may be allowed, if in the opinion of the arbitrator, committee or the court, they are necessary in the circumstances			

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the table of rules and the table of amendments. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the table of amendments. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the table of rules and the table of amendments. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

Endnotes

3 Table of rules

General

The *Workers Compensation Rules 1938* (in force under the *Magistrates Court (Civil Jurisdiction) Act 1982*) consist of the rules made on 13 October 1938 amended as indicated in the tables below.

The *Workers Compensation Rules 1938* made on 13 October 1938 and 1 November 1946 under the *Workers Compensation Act 1938* and the *Workers Compensation Act 1946* respectively were continued in force under the *Workers Compensation Act 1951*. Rules 1982 No 32 were made under the *Workers Compensation Act 1951*. The rules continue in force under the *Magistrates Court (Civil Jurisdiction) Act 1982*, section 497.

The *Workers Compensation Amendment Act 2001* (the **amendment Act**), section 36 omitted the *Magistrates Court (Civil Jurisdiction) Act 1982*, section 497. The amendment Act commenced on 1 July 2002. This means that the *Workers Compensation Rules 1938* lapsed on 1 July 2002.

The amendment Act added a new section 217 (Rules of court) to the *Workers Compensation Act 1951*. Future rules will be made under that Act.

Amending ordinances and Acts

The *Workers Compensation Rules 1938* were amended by the *Magistrates Court Ordinance 1985*, the *Magistrates Court (Amendment) Ordinance (No 3) 1986*, the *Self-Government (Consequential Amendments) Ordinance 1990*, the *Magistrates and Coroner's Courts (Registrar) Act 1991*, the *Magistrates Court (Enforcement of Judgments) Act 1994* and the *Legislation (Consequential Amendments) Act 2001* No 44. The amendments are incorporated in this republication.

Citation

The *Self-Government (Citation of Laws) Act 1989* No 21 altered the citation of most Ordinances so that after self-government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

3 Table of rules

Year and number	Date of making	Date of notification in <i>Gazette</i>	Date of commencement
—	13 Oct 1938	20 Oct 1938	1 Jan 1939
—	1 Nov 1946	28 Nov 1946	28 Nov 1946
1968 No. 12	9 Dec 1968	19 Dec 1968	19 Dec 1968
1982 No. 32	28 July 1982	10 Aug 1982	10 Aug 1982
1990 No. 5	19 June 1990	29 June 1990	29 June 1990
1991 No. 37	20 Dec 1991	15 Jan 1992	Rr. 1 and 2: 15 Jan 1992 Remainder: 22 Jan 1992 (see r. 1 (2) and <i>Gazette</i> 1992, No. S9)
(Reprinted as at 31 January 1996)			
No. 40, 1997	16 Dec 1997	17 Dec 1997	17 Dec 1997 (see r. 1 and <i>Gazette</i> 1997, No. S414)

4 Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
r. 1	am. 1991 No. 37
r. 2	rep. Rules made on 1 November 1946
rr. 3, 4	rep. 1990 No. 5
r. 5	am. Ordinance No. 67, 1985; 1990 No. 5; Ordinance No. 5, 1990; 1991 No. 37; Act 2001 No 44 amdt 1.2798-1.2800
r. 6	am. 1990 No. 5
div 2.1 hdg	renum R4 LA
rr. 8-10	am. 1991 No. 37
r. 11	am. Ordinances Nos. 67, 1985 and 74, 1986
rr. 12, 13	am. 1990 No. 5
r. 14	am. 1991 No. 37
div 2.2 hdg	renum R4 LA
r. 15	am. 1990 No. 5
rr. 18, 19	am. 1990 No. 5
r. 19A	ad. 1990 No. 5
r. 20	am. 1990 No. 5
r. 21	am. 1991 No. 37
r. 22	am. 1990 No. 5
r. 27	am. 1990 No. 5
r. 31	am. Ordinance No. 74, 1986
r. 31A	ad. No. 40, 1997
div 2.3 hdg	am. 1990 No. 5; renum R4 LA
r. 33	am. 1990 No. 5; 1991 No. 37
div 2.4 hdg	renum R4 LA
r. 35	am. 1990 No. 5; 1991 No. 37
div 2.5 hdg	renum R4 LA
rr. 38, 39	am. 1990 No. 5; 1991 No. 37
rr. 41, 42	am. 1990 No. 5; 1991 No. 37
rr. 43, 44	am. Ordinance No. 74, 1986; 1990 No. 5; 1991 No. 37
r. 45	am. 1990 No. 5; 1991 No. 37
div 2.6 hdg	renum R4 LA
r. 46	am. 1990 No. 5; 1991 No. 37
r. 47	am. 1990 No. 5; 1991 No. 37
r. 48	am. 1991 No. 37
r. 49	am. Ordinance No. 74, 1986; 1990 No. 5; 1991 No. 37
r. 50	am. 1990 No. 5; 1991 No. 37
rr. 53-60	am. 1990 No. 5; 1991 No. 37
r. 63	am. Ordinance No. 74, 1986 rep. No. 40, 1997
r. 64	am. 1990 No. 5; 1991 No. 37

Endnotes

4 Table of amendments

rr. 66, 67	am. 1990 No. 5; 1991 No. 37 om Act 2001 No 44 amdt 1.2801
r. 68	rs. 1982 No. 32
r. 68A	ad. 1982 No. 32
r. 69	am. Ordinance No. 67, 1985 rep. Act No. 61, 1994
r. 70	am. Ordinance No. 67, 1985; 1990 No. 5; 1991 No. 37 rep. Act No. 61, 1994
r. 71	am. Ordinance No. 67, 1985; Act No. 61, 1994
r. 73	am. 1990 No. 5; 1991 No. 37
r. 74	am. Ordinance No. 67, 1985; 1990 No. 5; 1991 No. 37
rr. 75, 76	am. 1990 No. 5; 1991 No. 37
r. 77	am. 1991 No. 37
r. 79	am. 1991 No. 37
r. 81	am. Rules made on 1 November 1946; Ordinance No. 67, 1985; 1990 No. 5; 1991 No. 37 om Act 2001 No 44 amdt 1.2802
r. 82	am. Ordinance No. 67, 1985; 1990 No. 5
r. 85	am. Ordinances Nos. 67, 1985 and 74, 1986
r. 87	am. 1990 No. 5; 1991 No. 37
r. 88 hdg.....	sub Act 2001 No 44 amdt 1.2803
r. 88	am Act 2001 No 44 amdt 1.2804
r. 89	ins Act 2001 No 44 amdt 1.2805 (6)-(9) exp 12 September 2002
Schedules hdg.....	om Act 2001 No 44 amdt 1.2806
Sch 1	am. Ordinance No. 67, 1985; 1990 No. 5; Ordinance No. 5, 1990; 1991 No. 37; Act No. 61, 1994 om Act 2001 No 44 amdt 1.2807
Sch 2	am. Rules made on 1 November 1946 rs. 1968 No. 12 am. Ordinances Nos. 67, 1985 and 74, 1986; 1991 No. 37
Sch 3	am. Ordinance No. 74, 1986; 1990 No. 5; Ordinance No. 5, 1990; 1991 No. 37 om Act 2001 No 44 amdt 1.2808
Sch 4	om Act 2001 No 44 amdt 1.2808
Sch 5	rep. 1982 No. 32

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1991 No 37	31 May 1992
2	SL 1991 No 37	31 January 1996
3	SL 1997 No 40	31 October 1998

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