

## WORKMEN'S COMPENSATION.

### No. 8 of 1961.

#### An Ordinance to amend the *Workmen's Compensation Ordinance* 1951-1959.

Short title  
and citation.

1.—(1.) This Ordinance may be cited as the *Workmen's Compensation Ordinance* 1961.\*

(2.) The *Workmen's Compensation Ordinance* 1951-1959† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Workmen's Compensation Ordinance* 1951-1961.

Re-opening of  
agreements and  
awards.

2. Section eighteen E of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “an arbitrator” and inserting in their stead the words “a committee”;

(b) by omitting from sub-section (2.) the words “appoint an arbitrator to determine, or re-determine,” and inserting in their stead the words “determine or re-determine”;

(c) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) In an award made by the Court in pursuance of this section, the Court may set aside any previous agreement or award.”; and

(d) by omitting from sub-section (4.) the words “an arbitrator appointed under this section” and inserting in their stead the words “the Court”.

Appeals.

3. Section twenty-six of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “or an arbitrator” and the words “and such appeal may be in the nature of a re-hearing”;

(b) by inserting after that sub-section the following sub-section:—

“ (1A.) Upon an appeal under this section, the Supreme Court shall have regard to the evidence before the committee or the Court, as the case may be.”; and

\* Made on 23rd May, 1961; notified in the *Commonwealth Gazette* and commenced on 1st June, 1961.

† Ordinance No. 2, 1951, as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; and Nos. 12 and 21, 1959.

(c) by omitting from sub-section (2.) the word  
“, arbitrator”.

4. The First Schedule to the Principal Ordinance is amended First  
Schedule.  
by omitting from paragraph 13 the words “ the arbitrator or ”.

5. The Fourth Schedule to the Principal Ordinance is Fourth  
Schedule.  
amended—

(a) by omitting paragraphs 2 and 3 and inserting in  
their stead the following paragraphs:—

“2. If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within one month from the date of the claim, the matter shall be settled by the Court by arbitration.

“3. The Arbitration Act, 1902 of the State of New South Wales in its application to the Territory does not apply to an arbitration under this Ordinance, but a committee may, if it thinks fit, submit a question of law for the decision of the Court.”;

(b) by omitting from paragraph 4 the words “, or an arbitrator appointed by the Court,”;

(c) by inserting after paragraph 6 the following paragraph:—

“6A. Subject to this Ordinance, the Regulations and the Rules of Court, in an arbitration under this Ordinance—

(a) the procedure of the Court is within the discretion of the Court;

(b) the Court or committee is not bound to act in a formal manner and is not bound by rules of evidence but may inform itself on any matter in such manner as it thinks fit; and

(c) the Court or committee shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms.”;

(d) by omitting from paragraph 7 the word “, arbitrator,” (first occurring), the words “ and an arbitrator appointed by it ” and the words “ or an arbitrator ”;

(e) by omitting paragraph 8;

(f) by omitting from paragraph 9 the words “ or by an arbitrator ” and the words “ or arbitrator ”;

(g) by omitting from paragraph 11 the words “, or of an arbitrator appointed by it,”;

(h) by omitting from paragraph 13 the words “, the arbitrator,”; and

(i) by omitting from paragraph 14 the word “, arbitrator,”.

**Application.**

6.—(1.) The amendments made by this Ordinance do not apply in relation to an arbitration that commenced before the commencement of this Ordinance.

(2.) Subject to the last preceding sub-section, the amendments made by this Ordinance apply in relation to matters that arose before the commencement of this Ordinance as well as in relation to matters that arise after that commencement.

**Rules of Court.**

7. Section two of the Principal Ordinance as amended by this Ordinance has effect as if the Fourth Schedule to the *Workmen's Compensation Ordinance 1951* had been in the same terms as that Schedule as amended by this Ordinance.