

## WORKMEN'S COMPENSATION

### No. 19 of 1968

#### An Ordinance to amend the *Workmen's Compensation Ordinance 1951-1967*.

Short title  
and citation.

**1.—(1.)** This Ordinance may be cited as the *Workmen's Compensation Ordinance 1968*.\*

(2.) The *Workmen's Compensation Ordinance 1951-1967*† 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 1951-1968*.

Injury while  
travelling to  
or from  
employment,  
&c.

**2.** Section 8 of the Principal Ordinance is amended by omitting from sub-section (2.) the words "travelling by the shortest convenient route" and inserting in their stead the words "travelling, whether within or outside the Territory, by the shortest convenient route".

Compensation  
for certain  
injuries.

**3.** Section 10 of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

"(1.) Subject to this Ordinance, where a workman sustains, by accident arising out of or in the course of his employment, any of the injuries specified in Part I. of the Second Schedule to this Ordinance, the compensation payable shall, where the injury results in an incapacity other than total and permanent incapacity for work, be the amount of Ten thousand dollars.

"(1A.) Subject to this Ordinance, where an employee sustains, by accident arising out of or in the course of his employment, any of the injuries specified in the first column of Part II. of the Second Schedule to this Ordinance, the compensation payable shall, where the injury results in incapacity other than total or permanent incapacity for work, be the amount equal to such percentage of the amount specified in the last preceding sub-section as is specified in the second column of that Part opposite the specification of the injury in the first column."

Maximum  
compensation.

**4.** Section 12 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "Eight thousand six hundred dollars" and inserting in their stead the words "Ten thousand dollars".

Contracting out.

**5.** Section 13 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

"(2.) A provision in an agreement or other document, whether executed before or after the date of commencement of this sub-section, whereby—

(a) a right conferred on a workman by this Ordinance is excluded or limited in any way; or

\* Made on 26 September 1968; notified in the *Commonwealth Gazette* and commenced on 3 October 1968.

† Ordinance No. 2, 1951, as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; and No. 44, 1967.

(b) the liability imposed on an employer by this Ordinance is excluded or limited in any way, is void.”.

6. The First Schedule to the Principal Ordinance is amended as set out in the First Schedule to this Ordinance.

Increases in compensation—First Schedule.

7. The Second Schedule to the Principal Ordinance is repealed and the Schedule set out in the Second Schedule to this Ordinance is inserted in its stead.

Increases in compensation—Second Schedule.

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

Existing policies of insurance.

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

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

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

Adjustment of weekly payments under Principal Ordinance.

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

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

(4.) Where, immediately before the date of commencement of this Ordinance, a workman was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Ordinance in respect of an injury or injuries sustained or a disease contracted before that date, the provisions of section 12 of the Principal Ordinance as amended by this Ordinance apply in relation to the injury, injuries or disease.

(5.) The amendment made by section 7 of this Ordinance extends in relation to an injury sustained after the commencement of this Ordinance notwithstanding that the accident or disease that caused the injury occurred before the commencement of this Ordinance.

**THE SCHEDULES**

**FIRST SCHEDULE**

Section 6.

**AMENDMENTS OF THE FIRST SCHEDULE TO THE PRINCIPAL ORDINANCE**

Provisions amended	Omit—	Insert—
Paragraph (1) (a) (i) ..	Eight thousand six hundred dollars	Ten thousand dollars
Paragraph (1) (b) ..	Twenty-three dollars and ten cents	Twenty-five dollars thirty-five cents
Paragraph (1) (b) (i) ..	Five dollars and forty-five cents	Six dollars
Paragraph (1) (b) (ii) ..	Two dollars and twenty-five cents	Two dollars forty-five cents
Paragraph (1) (c) (i) ..	Twenty-three dollars and ten cents	Twenty-five dollars thirty-five cents
Paragraph 2 (a) (ii) ..	Fourteen hundred dollars	One thousand six hundred and fifty dollars
Paragraph 2 (b) (iii) ..	“Seventeen dollars and thirty-two cents” “Twenty-three dollars and ten cents”	“Nineteen dollars” “Twenty-five dollars thirty-five cents”

**SECOND SCHEDULE**

Section 7.

**SCHEDULE INSERTED IN THE PRINCIPAL ORDINANCE BY THIS ORDINANCE**

**SECOND SCHEDULE**

Section 10.

**PART I.**

**INJURIES IN RESPECT OF WHICH THE AMOUNT OF COMPENSATION SPECIFIED IN SECTION 10 (1.) IS PAYABLE**

- Loss of both eyes
- Loss of an only useful eye, the other being blind or absent
- Loss of both hands
- Loss of hand and foot
- Loss of both feet

## SECOND SCHEDULE—continued

## PART II.

INJURIES IN RESPECT OF WHICH A PERCENTAGE OF THE AMOUNT OF COMPENSATION SPECIFIED IN SECTION 10 (1.) IS PAYABLE

First Column Nature of Injury	Second Column Percentage
Loss of one eye, with serious diminution of the sight of the other .. .. .	75
Loss of one eye .. .. .	40
Loss of hearing .. .. .	70
Complete deafness of one ear .. .. .	20
Loss of right arm or greater part of right arm .. .. .	80
Loss of left arm or greater part of left arm .. .. .	72
Loss of lower part of right arm, right hand or five fingers of right hand .. .. .	70
Loss of lower part of left arm, left hand or five fingers of left hand .. .. .	63
Loss of right thumb .. .. .	30
Loss of left thumb .. .. .	27
Loss of right forefinger .. .. .	20
Loss of left forefinger .. .. .	18
Loss of right middle finger .. .. .	16
Loss of left middle finger .. .. .	15
Loss of right ring finger .. .. .	14
Loss of left ring finger .. .. .	13
Loss of right little finger .. .. .	13
Loss of left little finger .. .. .	12
Loss of total movement of joint of right thumb .. .. .	14
Loss of total movement of joint of left thumb .. .. .	13
Loss of distal phalanx or joint of right thumb .. .. .	16
Loss of distal phalanx or joint of left thumb .. .. .	15
Loss of portion of terminal segment of right thumb involving one-third of its flexor surface without loss of distal phalanx or joint .. .. .	14
Loss of portion of terminal segment of left thumb involving one-third of its flexor surface without loss of distal phalanx or joint .. .. .	13
Loss of two phalanges or joints of right forefinger .. .. .	12
Loss of two phalanges or joints of left forefinger .. .. .	11
Loss of two phalanges or joints of right middle or ring finger .. .. .	11
Loss of two phalanges or joints of left middle or ring finger .. .. .	10
Loss of two phalanges or joints of right little finger .. .. .	10
Loss of two phalanges or joints of left little finger .. .. .	9
Loss of distal phalanx or joint of right forefinger .. .. .	10
Loss of distal phalanx or joint of left forefinger .. .. .	9
Loss of distal phalanx or joint of other finger of right hand .. .. .	8
Loss of distal phalanx or joint of other finger of left hand .. .. .	7
Loss of leg above knee .. .. .	75
Loss of leg below knee .. .. .	65
Loss of foot .. .. .	60
Loss of great toe .. .. .	20
Loss of any other toe .. .. .	8
Loss of two phalanges or joints of any other toe .. .. .	7
Loss of phalanx or joint of great toe .. .. .	10
Loss of phalanx or joint of any other toe .. .. .	6