

## Approved form AF2002-152

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made under the

### Workers Compensation Rules 1938

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## Workers Compensation Rules 1938— Form 27

(see r 35)

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

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

To the Registrar of the Magistrates Court, Canberra.

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

and

In the matter of an arbitration between [name]

of [address] [description]

Applicant, and [name]

of [address] [description]

Respondents.

[*Or, where the matter has been decided by agreement without arbitration.*]

In the matter of an agreement between [name]

of [address] [description]

and [name]

of [address] [description]

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

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And that on the \_\_\_\_\_, the following agreement was come to by and between \_\_\_\_\_ and \_\_\_\_\_ : [*or* And that on the day of \_\_\_\_\_ 20 \_\_\_\_\_, the following decision was given by a committee representative of the said \_\_\_\_\_ and their workers, having power to settle matters under the above-mentioned Act in the case of \_\_\_\_\_ and their workers] [*or* And that on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, the following award was made and given by me, the undersigned \_\_\_\_\_, being an arbitrator agreed on by the said \_\_\_\_\_ and the said \_\_\_\_\_, that is to say:]

[*Here set out a copy of agreement, decision, or award.*]

[*If a medical referee has been appointed to report, add—*

A copy of the report of \_\_\_\_\_, a medical referee appointed to report in this matter, is annexed.]

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

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

Dated:

[*To be signed in accordance with rule 36 (1), (2).*]

*Note This form to be adapted to the circumstances of the case and the matter decided.*

(ii) *In the case of injury to workers by industrial disease.*

To the Registrar of the Magistrates Court.

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

and

In the matter of an arbitration between [name]

of [address] [description] Applicant,

and [name]

of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an agreement between [name]  
of [address] [description]  
and [name]  
of [address] [description]

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

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

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

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

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

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

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

[Here set out copy of agreement, decision, or award.]

*If a medical referee has been appointed to report, add—*

A copy of the report of E.F., \_\_\_\_\_, a medical referee appointed to report in this matter, is annexed.

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

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

Dated:

[To be signed in accordance with rule 36 (1), (2).]

*Note This form to be adapted to the circumstances of the case and the matter decided.*

(iii) *Where death resulted from the injury.*

To the Registrar of the Magistrates Court, Canberra.

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

and

In the matter of an Arbitration between [name]  
of [address] [description]  
Applicant, and [name]  
of [address] [description]  
Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an agreement between [name]  
of [address] [description]  
and [name]  
of [address] [description]

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

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

dependants of \_\_\_\_\_ within the meaning of the  
*Workers Compensation Act 1951*, and \_\_\_\_\_ :

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

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

[*Here set out copy of agreement, decision, or award.*]

*If a medical referee has been appointed to report, add—*

A copy of the report of E.F. \_\_\_\_\_, a medical referee appointed  
to report in this matter, is annexed.

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

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

Dated:

[*To be signed in accordance with rule 36 (1), (2).*]

*Note This form to be adapted to the circumstances of the case and the  
matter decided.*

(iv) *Where death resulted from industrial disease.*

To the Registrar of the Magistrates Court, Canberra.

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

and

In the matter of an arbitration between [name]  
of [address] [description]

Applicant, and [name]  
of [address] [description]

Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the matter of an agreement between  
of

and

of

Be it remembered, that on the                      day of  
,  
, a medical referee appointed for the purpose  
of the *Workers Compensation Act 1951* certified that A.B.

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

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

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

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

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

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

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

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

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

that is to say:                      [or And that on

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

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

[*Here set out copy of agreement, decision, or award.*]

[*If a medical referee has been appointed to report, add—*

A copy of the report of E.F. , a medical referee appointed to report in this matter, is annexed.]

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

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

Dated:

[*To be signed in accordance with rule 36 (1), (2).*]

*Note* This form to be adapted to the circumstances of the case and the matter decided.

## Endnotes

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

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