

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT ADMINISTRATION ACT 1910

WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE 1987

No 10, 1987

ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Workmen's Compensation Ordinance 1951 ("the Principal Ordinance") establishes a scheme for compensating workmen who are injured in the course of their employment.

The Workmen's Compensation (Amendment) Ordinance 1987 ("the Amending Ordinance") amends the Principal Ordinance to give effect to an undertaking to the Senate Standing Committee on Regulations and Ordinances following its consideration of the Workmen's Compensation (Amendment) Ordinance 1983.

The Amending Ordinance provides a new mechanism to determine compensation under sections 10A, 10B and 10C of the Principal Ordinance in the absence of agreement between the parties. It also amends paragraph 11 of the First Schedule to the Principal Ordinance to provide that application to the Court to refer the matter of a workman's medical condition to a medical referee can only be by agreement of both parties. In the absence of agreement the matter will be settled by arbitration under section 24 and the Fourth Schedule.

Details of the proposed Ordinance are outlined in the Attachment.

**WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE 1987**

Section 1 cites the Ordinance as the Workmen's Compensation (Amendment) Ordinance 1987.

Section 2 defines the "Principal Ordinance" as the Workmen's Compensation Ordinance 1951.

Section 3 amends section 10A of the Principal Ordinance by :

- (a) omitting from sub-section (1) the requirement that assessment of compensation in the absence of agreement shall be by a medical referee and by inserting in its place a requirement that the matter be arbitrated in accordance with the fourth Schedule;
- (b) omitting sub-sections (2) to (6) inclusive; and
- (c) omitting paragraph (7)(c) as there is no continuing role for a medical referee in the operation of the section and making changes consequential on omitting paragraph 7(c).

Section 4 amends section 10B of the Principal Ordinance by:

- (a) omitting from sub-section (1) the requirement that assessment of compensation in the absence of agreement shall be by a medical referee and by inserting in its place a requirement that the matter be arbitrated in accordance with the Forth Schedule;
- (b) omitting sub-sections (2) to (6) inclusive; and
- (c) by omitting from sub-section (7) the definitions of "medical referee" as there is no continuing role for a medical referee in the operation of the section as arbitration for compensation under this section is by the Court.

Section 5 amends section 10C of the Principal Ordinance by:

- (a) omitting from sub-section (1) the requirement that assessment of compensation in the absence of agreement shall be by a medical referee and by inserting in its place a requirement that the matter be arbitrated in accordance with the Fourth Schedule.

(b) by omitting sub-sections (2) to (6) inclusive.

Section 6 amends paragraph 11 of the First Schedule to the Principal Ordinance to ensure that an application to the Court by the employer or the workman to refer the matter of the workman's medical condition to a medical referee is by agreement of the parties rather than by either one of them.