

AUSTRALIAN CAPITAL TERRITORY

WORKMEN'S COMPENSATION ORDINANCE 1951-1959

EXPLANATORY MEMORANDUM

No. 8 of 1961

The operation of the Workmen's Compensation Ordinance has been the subject of criticism by members of the Advisory Council, legal practitioners and other interested groups. As an interim measure it is proposed to amend the Ordinance so as to lessen the hardship to an injured worker arising from the lapse of time that can occur between the dates of injury and settlement of a disputed claim for compensation. In order to reduce the time elapsing between injury and settlement of a disputed claim it is proposed to dispense with the appointment, by agreement, of an arbitrator. The settlement of a disputed claim for compensation, in the first instance, will be placed within the authority of a committee, as provided for in the current Ordinance, or the Court of Petty Sessions.

The effect of the proposed amendments is to dispense with the appointment of an arbitrator and to provide for disputed claims to be settled by a committee or, in the event of there being no committee or one which cannot reach a decision within one month from the date of claim or if either party objects, the Court of Petty Sessions. These provisions should assist in overcoming present delays in determining disputed claims for compensation.

As claims are to be settled in the first instance by either the committee or the Court, it would be inconsistent to have the Court bound to rules of evidence while the committee was not. Clause 5 (c) provides therefore, that the Court and the committee should act according to equity and good conscience without regard to legal forms and technicalities and should not be bound by rules of evidence.