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13th July, 1933.]

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 18 of 1933.

AN ORDINANCE

To amend the *Workmen's Compensation Ordinance* 1931.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910-1933, as follows:—

1.—(1.) This Ordinance may be cited as the *Workmen's Compensation Ordinance* 1933. Short title and citation.

(2.) The *Workmen's Compensation Ordinance* 1931 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* 1931-1933.

2. This Ordinance shall be deemed to have commenced on the date of the commencement of the Principal Ordinance. Commencement.

3. Section 5 of the Principal Ordinance is amended—

(a) by omitting from paragraph (d) of the proviso to sub-section (1.) the words "ambulance service, medical, surgical and hospital treatment" and inserting in their stead the words "medical attendance"; and

(b) by omitting the letter "(d)" from sub-section (3.) and inserting in its stead the word "(e)".

Compensation for personal injuries to workmen.

4. Section six of the Principal Ordinance is repealed.

Repeal of section six.

5. Section eight of the Principal Ordinance is amended by omitting all the words after the word "Ordinance" (second occurring) and inserting in their stead the words "an amount exceeding Seven hundred and fifty pounds".

Maximum compensation.

6. Section fifteen of the Principal Ordinance is amended by omitting the words "Civic Administrator" and inserting in their stead the words "Secretary to the Department of the Interior".

Returns as to compensation.

2482.—PRICE 8D.

Regulations.

7. Section 21 of the Principal Ordinance is amended by omitting the word "treatment" and inserting in its stead the word "attendance".

Amendment of
First Schedule.

8. The First Schedule to the Principal Ordinance is amended—

(a) By omitting paragraphs 1 and 2 and inserting in their stead the following paragraphs:—

"1. The amount of compensation under this Ordinance shall be—

(a) where death results from the injury—

- (i) if the workman leaves any dependants wholly dependent upon his earnings at the time of his death, a sum equal to his earnings in the employment of the same employer during the three years immediately preceding the injury, or the sum of Three hundred pounds, whichever of those sums is the larger, but not exceeding in any case Six hundred pounds:

Provided that the amount of any weekly payments made under this Ordinance and any lump sum paid in redemption thereof shall be deducted from that sum:

Provided also that if the period of the workman's employment under that employer has been less than those three years, then the amount of his earnings during those three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under that employer;

- (ii) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings at the time of his death, such sum, not exceeding in any case the amount payable under the foregoing provisions, as is reasonable and proportionate to the injury to the dependants; or

- (iii) if he leaves no dependants, the reasonable expenses of his medical attendance and burial not exceeding Fifty pounds;

(b) where total or partial incapacity for work results from the injury—

- (i) a weekly payment during the incapacity not exceeding two-thirds of his average weekly earnings during the previous twelve months,

if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, but the weekly payment shall not exceed Two pounds fifteen shillings, and the total liability in respect thereof shall not exceed Seven hundred and fifty pounds:

Provided that, where two-thirds of those average weekly earnings is less than Two pounds fifteen shillings, the weekly payment to a workman may be increased to such sum not exceeding the full amount of those average weekly earnings as may be agreed upon, or, in default of agreement, as may be determined on arbitration under this Ordinance, but so that that sum shall not in any case exceed Two pounds fifteen shillings per week:

Provided also that in no case shall a workman who is the sole or main support of a wife, husband, parent, brother, or sister receive during total incapacity a less sum per week than Two pounds fifteen shillings:

Provided further that in no case shall an adult workman be entitled to receive during total incapacity a less sum per week than One pound, unless such workman (not being a workman who is the sole or main support of a wife, husband, parent, brother, or sister) was at the date of the accident in receipt of an invalid or old-age pension under the *Invalid and Old-Age Pensions Act 1908-1932*, in which case the amount payable shall be Ten shillings per week; and

- (ii) for each child, under fourteen years of age and totally or mainly dependent upon the earnings of the injured workman at the date of the accident, a weekly payment amounting to one-third of the difference between Two pounds fifteen shillings and a sum equal to the weekly pay of the workman, computed as for one full week of constant employment at the date of the accident, or the sum of Four pounds, whichever is the smaller amount, shall be payable during the disablement of the workman or until a lump sum settlement has been made with the

workman in respect of the accident, or until the age of fourteen is reached, whichever first happens:

Provided that the total amount payable per week in respect of all such children shall not exceed the difference between Two pounds fifteen shillings and a sum equal to the weekly pay of the workman, computed as for one full week of constant employment at the date of the accident, or the sum of Four pounds, whichever is the smaller amount.

The total weekly amount payable under subparagraph (b) of this paragraph to the injured workman shall not exceed a sum equal to the weekly pay of the workman, computed as for one full week of constant employment at the date of the accident, or the sum of Four pounds, whichever is the smaller amount, in the aggregate, or the sum of Seven hundred and fifty pounds in all.

Earnings and average weekly earnings.

“2. For the purposes of the provisions of this Schedule relating to “earnings” and “average weekly earnings” of a workman, the following rules shall be observed:—

- (a) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated;
- (b) In computing average weekly earnings there may be taken into consideration amounts paid by way of overtime, but not any sums which the employer has been accustomed to pay to the workmen to cover any special expenses entailed on him by the nature of his employment;
- (c) Where by reason of the shortness of time during which the workman has been in the employment of his employer, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard shall be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment by some other employer;
- (d) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer

and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the date of the accident.”.

- (b) by omitting from paragraph (3) the words “weekly pay” and inserting in their stead the words “average weekly earnings”;
- (c) by inserting in that paragraph, before the words “weekly amount”, the word “average”;
- (d) by omitting from paragraph 11 the word “Three” and inserting in its stead the word “Two”.

9. The Second Schedule to the Principal Ordinance is amended— Amendment
of Second
Schedule.

- (a) by inserting in paragraph 1. after the word “writing”, the word “be”;
- (b) by omitting from paragraph 3 the word “him” and inserting in its stead the word “it”;
- (c) by omitting from that paragraph the words “an action” and inserting in their stead the words “in a complaint”;
- (d) by omitting from paragraph (d) of the proviso to paragraph 8 the word “who” and inserting in its stead the word “which”; and
- (e) by omitting from paragraph 11 the word “to” (second occurring) and inserting in its stead the word “in”.

10. The Third Schedule to the Principal Ordinance is repealed and the following Schedule inserted in its stead:— Repeal of
Third Schedule
and insertion of
new Schedule.

“THE THIRD SCHEDULE.
COMPENSATION FOR SPECIFIED INJURIES.

Section 7.

Nature of Injury.	Amount Payable.		
	£	s.	d.
Loss of both eyes	750	0	0
Loss of an only eye	750	0	0
Loss of both hands	750	0	0
Loss of both feet	750	0	0
Loss of a hand and a foot	750	0	0
Total and incurable loss of mental powers involving inability to work	750	0	0
Total and incurable paralysis of the limbs or of mental powers	750	0	0
Total loss of the right arm or of the greater part of the arm	600	0	0
Total loss of the left arm or of the greater part of the arm	562	10	0
Total loss of the right hand or of five fingers of the right hand or of the lower part of the right arm	525	0	0
Total loss of the same for the left hand and arm	487	10	0
Total loss of a leg	562	10	0

THE THIRD SCHEDULE—continued.
Compensation for Specified Injuries—continued.

Nature of Injury.	Amount Payable.
	£ s. d.
Total loss of a foot or the lower part of the leg	450 0 0
Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye	562 10 0
Total loss of hearing	375 0 0
Complete deafness of one ear	75 0 0
Total loss of the sight of one eye	300 0 0
Total loss of the thumb of the right hand	225 0 0
Total loss of the thumb of the left hand	187 10 0
Total loss of the forefinger of the right hand	150 0 0
Total loss of the forefinger of the left hand	112 10 0
Total loss of a joint of the thumb	112 10 0
Total loss of the little finger of the hand	90 0 0
Total loss of the middle or ring finger of the hand	60 0 0
Total loss of the great toe of either foot	150 0 0
Total loss of a joint of the great toe of either foot	75 0 0
Total loss of any other toe or of a joint of a finger	37 10 0

For the purposes of this Schedule, an eye or foot or other member shall be deemed to be lost if it is rendered permanently and wholly useless."

Dated this twelfth day of July, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. A. PERKINS

Minister of State for the Interior.