



Australian Capital Territory

Workers Compensation Regulations 1946 No 4 (repealed)

made under the

Workers Compensation Act 1951

Republication No 3

Republication date: 1 July 2002

Amendments incorporated to 1 July 2002

As repealed by SL2002-20

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Workers Compensation Regulations 1946* (repealed), made under the *Workers Compensation Act 1951*. It includes any commencement, amendment, repeal or expiry affecting the republished law to 1 July 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
1 July 2002



Australian Capital Territory

Workers Compensation Regulations 1946 (repealed)

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Workers Compensation Act 1951

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Amendments incorporated to
1 July 2002



Australian Capital Territory

Workers Compensation Regulations 1946 (repealed)

made under the

Workers Compensation Act 1951

1 Name of regulations

These regulations are the *Workers Compensation Regulations 1946*.

3 Claim by worker

A claim by a worker for compensation shall be made in accordance with the appropriate claim form approved under the Act, section 29 (Approved forms) and shall be delivered or sent by post in a registered letter to the person against whom the claim is made.

4 Claim by dependant

A claim by a dependant for compensation shall be made in accordance with the appropriate claim form approved under the Act, section 29 (Approved forms) and shall be delivered or sent by post in a registered letter to the person against whom the claim is made.

6 Form of medical certificate

Where the registrar of the Magistrates Court refers a matter to a medical referee under a provision of the Act other than a provision of section 10A, 10B or 10C, the medical referee shall furnish the registrar of the court with a report in accordance with the report form approved under the Act, section 29 (Approved forms) in relation to the matter.

7 Frequency of medical examinations

A worker shall not, after the expiration of 1 month from the date on which the first payment of compensation was made, be required to submit himself or herself for medical examination under the Act, schedule 1, clause 10 except as follows:

At reasonable hours, once a week during the second month, and once a month during the third, fourth, fifth and sixth months after that first payment, and thereafter, once every 2 months.

8 Maximum premium rates for group trainers in building and construction industry

(1) The maximum rate of premium under the Act, section 20 (Premiums—maximum rates) for a group trainer in relation to trainees in the building and construction industry is 15% of the total wages paid to the trainees by the group trainer.

(2) In this regulation:

building and construction industry—see the *Long Service Leave (Building and Construction Industry) Act 1981*, section 3 (1) (Interpretation).

group trainer means a registered provider that, as a business (a *labour hire business*), places trainees with employers relevant to the trainees' training agreements for the duration of their agreements.

registered provider—see the *Vocational Education and Training Act 1995*, section 4 (1) (Definitions for Act).

trainee, in relation to a group trainer, means an individual employed by the group trainer who is obliged under a training agreement to undertake training.

training agreement—see the *Vocational Education and Training Act 1995*, section 4 (1).

(3) This regulation expires 2 years after it commences.

12 Witnesses to declarations

The truth of the statements made in a claim referred to in regulation 3 or 4 shall be declared before one of the following persons:

A postmaster or person in charge of a post office, a magistrate, a justice of the peace, a lawyer, a school head teacher, a police officer, a medical practitioner, a notary public, a commissioner for declarations, a minister of religion, or a member of the Legislative Assembly or the Parliament.

13 Diseases related to employment

For the purposes of the Act, section 9A a disease of a kind specified in schedule 2, column 1 is related to employment of a kind specified in that schedule, column 2 opposite the reference to that disease in column 1.

14 Costs of conveyance

- (1) For the purposes of the Act, section 11 (3A) (b), the cost of conveyance of a worker to and from any place for the purposes of undergoing medical treatment shall be ascertained as follows:
 - (a) where an injured worker is, by reason of his or her injury, so incapacitated as to be unable to be conveyed in a motor vehicle, other than an ambulance—the actual cost of conveyance;
 - (b) where an injured worker is able to be and is conveyed in a private motor vehicle (whether by himself or herself or another person)—38 cents per kilometre;
 - (c) where an injured worker is able to be conveyed in a private motor vehicle or by public transport—
 - (i) but —
 - (A) he or she is prohibited by law from conveying himself or herself in the vehicle; and
 - (B) no other person is available to convey the worker in a private motor vehicle; or
 - (ii) but no private motor vehicle is available;and the worker is conveyed by public transport—the actual cost of conveyance;
 - (d) where an injured worker is able to be conveyed in a private motor vehicle or by public transport but—
 - (i) no private motor vehicle is available; or

- (ii) it is inappropriate or unreasonable in the circumstances to use public transport;
- and the worker is conveyed by taxi—the actual cost of conveyance;
- (e) where a private motor vehicle, public transport or taxi is not reasonably available or appropriate in the circumstances—the reasonable cost of conveyance.
- (2) An amount prescribed by this regulation shall be adjusted in accordance with the Index number as varied from time to time.

15 Costs of accommodation and meals

- (1) For the purpose of the Act, section 11 (3A) (c), the cost of accommodation (including the cost of meals) for a worker shall be ascertained in accordance with the following table:

Accommodation	Cost
	\$
Adelaide	75.00
Bathurst	65.00
Brisbane	103.00
Canberra	73.00
Darwin	95.00
Hobart	70.00
Melbourne	102.00
Newcastle	65.00
Perth	98.00
Sydney	113.00
Wollongong	65.00
Any other city or town	52.00
Meals	Cost
	\$
Breakfast	10.00
Lunch	11.00
Dinner	21.00

- (2) A worker is not entitled to payment for a meal unless the meal is consumed while the worker—
 - (a) is travelling to or from medical treatment for which compensation is payable under the Act, section 11;
 - (b) is at a place for the purpose of receiving such medical treatment; or
 - (c) is staying at accommodation for which compensation is payable under that section.
- (3) An amount prescribed by this regulation shall be adjusted in accordance with the index number as varied from time to time.

16 Prescribed offences and fines

- (1) For the purposes of the Act, part 6B a prescribed offence is an offence against a provision of the Act referred to in schedule 3, column 1.
- (2) For the Act, section 26G, definition of *on-the-spot fine*, paragraph (a), the prescribed fine in relation to an offence prescribed by subregulation (1) is the fine specified in schedule 3, column 2 for the item that relates to that offence.

Schedule 2 Diseases related to employment

(see reg 13)

	Column 1 Disease	Column 2 Employment
1	Anthrax	Employment in connection with <ul style="list-style-type: none"> (a) animals infected with anthrax; (b) animal carcasses or parts of such carcasses; (c) wool, hair, bristles, hides or skins; or (d) loading, unloading or transport of animals, animal carcasses or parts of such carcasses, wool, hair, bristles, hides or skins
2	Ankylostomiasis	Employment in or about a mine
3	Asbestosis	Employment involving exposure to, or contact with, asbestos
4	Chrome ulceration of skin or mucous membrane; any of the sequelae of such an ulceration	Employment involving exposure to or contact with <ul style="list-style-type: none"> (a) chromic acid; or (b) bichromate of <ul style="list-style-type: none"> (i) ammonium; (ii) potassium; or (iii) sodium, or a preparation containing any of those substances
5	Mesothelioma	Employment involving exposure to, or contact with, asbestos
6	Pathological condition caused by <ul style="list-style-type: none"> (a) radium or another radioactive substance; or (b) x-rays 	Employment involving exposure to or contact with radium, other radioactive substances or x-rays
7	Pneumoconiosis	Employment involving inhalation of matter capable of causing pneumoconiosis
8	Poisoning by antimony or a compound of antimony; any of the sequelae of such a poisoning	Employment involving exposure to or contact with antimony, a compound of antimony or a preparation containing antimony or such a compound
9	Poisoning by arsenic or a compound of arsenic; any of the sequelae of such a poisoning	Employment involving exposure to or contact with arsenic, a compound of arsenic or a preparation containing arsenic or such a compound

Schedule 2 Diseases related to employment

	Column 1 Disease	Column 2 Employment
10	Poisoning by benzene, a homologue of benzene or a nitro-derivative or amido-derivative of benzene; any of the sequelae of such a poisoning	Employment involving exposure to or contact with benzene, a homologue of benzene or a nitro-derivative or amido-derivative of benzene
11	Poisoning by beryllium or a compound of beryllium; any of the sequelae of such a poisoning	Employment involving exposure to or contact with beryllium, a compound of beryllium or a preparation containing beryllium or such a compound
12	Poisoning by cadmium or a compound of cadmium; any of the sequelae of such a poisoning	Employment involving exposure to or contact with cadmium, a compound of cadmium or a preparation containing cadmium or such a compound
13	Poisoning by carbon bisulphide	Employment involving exposure to or contact with carbon bisulphide
14	Poisoning by carbon monoxide	Employment involving exposure to carbon monoxide
15	Poisoning by copper or a compound of copper; any of the sequelae of such a poisoning	Employment involving exposure to or contact with copper, a compound of copper or a preparation containing copper or such a compound
16	Poisoning by a halogen derivative of a hydrocarbon of the aliphatic series	Employment involving exposure to or contact with a halogen derivative of a hydrocarbon of the aliphatic series
17	Poisoning by hydrogen cyanide or a compound of hydrogen cyanide	Employment involving exposure to or contact with hydrogen cyanide, a compound of hydrogen cyanide or a preparation containing hydrogen cyanide or such a compound
18	Poisoning by hydrogen sulphide	Employment involving exposure to hydrogen sulphide
19	Poisoning by lead or a compound of lead; any of the sequelae of such a poisoning	Employment involving exposure to or contact with lead, a compound of lead or a preparation containing lead or such a compound
20	Poisoning by manganese or a compound of manganese; any of the sequelae of such a poisoning	Employment involving exposure to or contact with manganese, a compound of manganese or a preparation containing manganese or such a compound
21	Poisoning by mercury or a compound of mercury; any of the sequelae of such a poisoning	Employment involving exposure to or contact with mercury, a compound of mercury or a preparation containing mercury or such a compound
22	Poisoning by an oxide of nitrogen; any of the sequelae of such a poisoning	Employment involving contact with nitric acid or the inhalation of oxides of nitrogen
23	Poisoning by phosphorus or a compound of phosphorus; any of the sequelae of such a poisoning	Employment involving exposure to or contact with phosphorus, a compound of phosphorus or a preparation containing phosphorus or such a compound

	Column 1 Disease	Column 2 Employment
24	Poisoning by vanadium or a compound of vanadium; any of the sequelae of such a poisoning	Employment involving exposure to or contact with vanadium, a compound of vanadium or a preparation containing vanadium or such a compound
25	Poisoning by zinc or a compound of zinc; any of the sequelae of such a poisoning	Employment involving exposure to or contact with zinc, a compound of zinc or a preparation containing zinc or such a compound
26	Primary epitheliomatous cancer of the skin	Employment involving exposure to or contact with tar, pitch, bitumen, mineral oil, paraffin or a compound, product, or residue of any of those substances
27	Q Fever	Employment involving exposure to or contact with <i>Coxiella burnetii</i>
28	Tenosynovitis	Employment which requires repetitive movements of a hand and forearm

Schedule 3 On-the-spot fines

(see reg 16)

Item	Column 1 Offence	Column 2 Fine—penalty units
1	section 15D (2)	2
2	section 15D (3)	1
3	section 15E (2)	1
4	section 17B (1)	10

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

Endnotes

2 Abbreviation key

General

The *Workers Compensation Regulations 1946* (in force under the *Workers Compensation Act 1951*) as shown in this republication comprise SL 1946 No 4 amended as indicated in the tables below.

The *Workers Compensation Act 1951*, section 2 provided as follows:

‘2. (1) The *Workmen’s Compensation Ordinance 1946* and the *Workmen’s Compensation Ordinance 1948* are repealed.

‘(2) All rules and regulations made under the Ordinances repealed by the last preceding subsection and in force immediately prior to the commencement of this Act shall, except in so far as they are inconsistent with this Act, continue in force as if they had been made under this Act and as if every reference in those rules or regulations to a provision repealed by this Act were a reference to the corresponding provision of this Act.

‘(3) The rules or regulations continued in force by this section may be repealed or amended by rules or regulations, as the case may be, made under this Act.’.

Amending ordinances and Acts

The *Workers Compensation Regulations 1946* were amended by the *Magistrates Court Ordinance 1985*, the *Self-Government (Consequential Amendments) Ordinance 1989*, the *Magistrates and Coroner’s Courts (Registrar) Act 1991 No 44*, the *Legal Practitioners (Consequential Amendments) Act 1997 No 96* and the *Legislation (Consequential Amendments) Act 2001 No 44*. The amendments are incorporated in this reprint.

Citation

The *Self-Government (Citation of Laws) Act 1989 No 21* altered the citation of most Ordinances so that after self-government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Operation of the repealed Workers Compensation Regulations 1946

The *Workers Compensation Act 1951* (the **Act**) was amended by the *Workers Compensation Amendment Act 2001* (the **amendment Act**). The amendment Act commenced on 1 July 2002. The Act, s 235 (What happens to injuries before the commencement of the amendment Act?) states that the Act, as in force immediately before 1 July 2002, continues to apply to injuries that happened before 1 July 2002. This means that the *Workers Compensation Regulations 1946*, as in force immediately before 1 July 2002, also continue to apply to injuries that happened before 1 July 2002. As such, the references to sections of the Act in this republication of the *Workers Compensation Regulations 1946* are references to sections of the Act as they were before 1 July 2002.

3 Table of Subordinate Laws

Regulation No	Date of making	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1946 No 4	10 Oct 1946	17 Oct 1946	17 Oct 1946	
1959 No 25	31 Dec 1959	31 Dec 1959	31 Dec 1959	—
1969 No 6	15 July 1969	24 July 1969	24 July 1969	—
1979 No 26	26 Nov 1979	29 Nov 1979	29 Nov 1979	—
1983 No 26	22 Dec 1983	30 Dec 1983	30 Dec 1983	—
1991 No 38	20 Dec 1991	15 Jan 1992	Rr. 1 and 2: 15 Jan 1992 Remainder: 22 Jan 1992 (see r. 1 (2) and <i>Gazette</i> 1992, No. S9)	—
(Reprinted as at 31 January 1992)				
1997 No 39	16 Dec 1997	17 Dec 1997	17 Dec 1997	—
2001 No 33	6 Sept 2001	11 Sept 2001 (Gaz 2001 No S69)	11 Sept 2001 (s 2)	
as repealed by				
2002 No 20 reg 101	27 June 2002	LR 28 June 2002	Rr. 1 and 2: 28 June 2002 (LA s 75) Reg 101: 1 July 2002 (reg 2)	

4 Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provision	How affected
reg 1	am 1991 No 38
.....	sub 2001 No 33 reg 3
reg 2	rs 1979 No 26
.....	am 1983 No 26; 1991 No 38
.....	om Act 2001 No 44 amdt 1.4387
reg 3	am 1979 No 26; 1983 No 26; 1991 No 38; Act 2001 No 44 amdt 1.4388
reg 4	am 1979 No 26; 1983 No 26; 1991 No 38; Act 2001 No 44 amdt 1.4389
reg 5	rep 1969 No 6
reg 6	am 1979 No 26

Endnotes

5 Earlier republications

	rs 1983 No 26
	am Act No 44, 1991; Act 2001 No 44 amdt 1.4390
reg 7	am 1979 No 26; 1991 No 38
reg 8	am 1979 No 26
	rep 1991 No 38
	ins 2001 No 33 reg 4
	<u>exp 11 Sept 2003 (reg 8 (3))</u>
reg 9	am 1979 No 26
	rep 1991 No 38
reg 10	rep 1959 No 25
reg 11	rs 1983 No. 26
	rep 1991 No 38
reg 12	am 1979 No. 26; Ordinance No. 67, 1985; Ordinance 1989 No 38; 1991 No 38; Act 1997 No 96
reg 13	ad 1983 No 26
regs 14-16.....	ad 1997 No 39
Heading to the Schedule...	rep 1979 No 26
Heading to Schedule.....	ad 1979 No 26
	rep 1983 No 26
Heading to Schedule 1.....	ad 1983 No 26
The Schedule.....	am 1959 No 25
Schedule.....	am 1979 No 26
Schedule 1	am Ordinance No 67, 1985; Ordinance No 38, 1989; 1991 No 38; Act 1997 No 96
.....	om Act 2001 No 44 amdt 1.4391
Schedule 2.....	ad 1983 No 26
	am Ordinance No 38, 1989; No 39, 1997
Schedule 3.....	ad 1997 No 39

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1991 No 38	31 January 1992
2	Act 1997 No 96	1 June 1998

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