

No. 11 of 1975

AN ORDINANCE

To amend the *Workmen's Compensation Ordinance 1951-1974*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this thirtieth day of April, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

WORKMEN'S COMPENSATION ORDINANCE 1975

1. (1) This Ordinance may be cited as the *Workmen's Compensation Ordinance 1975*.*

Short title
and citation.

(2) The *Workmen's Compensation Ordinance 1951-1974*,† 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 1951-1975*.

2. Section 6 of the Principal Ordinance is amended—

Interpretation.

(a) by inserting after the definition of "approved insurer" the following definition:—

"'base figure' means an amount specified in sub-section 10 (1), 12 (1) or the First Schedule in respect of an employer's liability under this Ordinance;"; and

(b) by inserting after the definition of "employer" the following definition:—

"'Index number' means the Consumer Price Index (All Groups) for Canberra published from time to time by the Commonwealth Statistician;".

3. The Principal Ordinance is amended by inserting after section 12 the following sections:—

"12A. (1) Where there is a variation in the Index number, an amount of compensation payable under sub-section 10 (1), 12 (1) or the First Schedule shall be varied in accordance with this section.

Variation of
amounts of
compensation.

* Notified in the *Australian Government Gazette* on 1 May 1975.

† Ordinance No. 2, 1951, as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; No. 44, 1967; No. 19, 1968; Nos. 7, 13 and 18, 1969; No. 26, 1970; No. 15, 1971; Nos. 35 and 38, 1972; No. 11, 1973; and No. 34, 1974.

“(2) An amount referred to in sub-section (1) shall be varied in accordance with the formula $L \times N$, where—

$$\frac{\quad}{157.4}$$

L is the base figure; and

N is the most recently issued Index number.

Application
of
variation.

“12B. (1) A variation in an amount of compensation made in accordance with section 12A applies to a lump sum payable in respect of an injury, disease, loss or death occurring in the period of 3 months immediately succeeding the period to which the Index number used in calculating the variation refers.

“(2) A variation referred to in sub-section (1) applies to a weekly payment which a worker is entitled to receive during the period of 3 months immediately succeeding the period to which the Index number used in calculating the variation refers.

Variation of
policies of
insurance.

“12C. (1) A policy of insurance against liability under this Ordinance, in force immediately before the date of a variation under section 12A, has effect during the unexpired period of the currency of the policy as if it applied to that liability as so varied.

“(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur as a result of a variation under section 12A, additional premium for the period in respect of which the variation applies, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy, had the variation not been made, and the premium for that period at the rate that would have been payable had the policy been issued upon the date of the commencement of the period for the amount of the employer's liability as so varied.

“(3) If, as a result of a variation under section 12A, there is a reduction in the amount of liability which an employer to whom such a policy has been issued may incur, the insurer is liable to refund to the employer a part of the premium for the period in respect of which the variation applies, being a part equal to the difference between the premium for that period at the rate of premium payable under the policy, had the variation not been made, and the premium for that period at the rate that would have been payable had the policy been issued upon the date of the commencement of the period for the amount of the employer's liability as so varied.”

Increased
compensation.

4. The Principal Ordinance is amended as set out in the Schedule.

Existing
policies of
insurance.

5. (1) A policy of insurance against liability under the Principal Ordinance, in force immediately before the commencement of the Ordinance, has effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur as a result of the amendments to the Principal Ordinance

effected by this Ordinance, additional premium for the period of the unexpired balance of the currency of the policy, being additional premium equal to the difference between the premium for that period at the rate of the premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

(3) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury sustained or a disease contracted before the commencement of this Ordinance, the insurer is liable to indemnify the person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of the injury or the contracting of the disease.

6. (1) Where, immediately before the date of commencement of this Ordinance, a person was receiving, or was entitled to receive, weekly payments in accordance with the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance. Adjustment
of weekly
payments
under
Principal
Ordinance.

(2) Where, before the date of commencement of this Ordinance, a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with the Principal Ordinance would have been payable immediately before that date but for the fact that he was not then incapacitated for work, and on or after that date he becomes incapacitated for work as a result of the injury or disease, weekly payments in respect of that incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

Workmen's Compensation 1975

SCHEDULE

Section 4

AMENDMENTS OF THE PRINCIPAL ORDINANCE

Provision amended	Omit—	Substitute—
Sub-section 10 (1) ..	Fourteen thousand five hundred dollars	Twenty thousand dollars
Sub-section 12 (1) ..	Fourteen thousand five hundred dollars	Twenty thousand dollars
First Schedule—		
Clause 1 (a) (i) ..	Fourteen thousand five hundred dollars	Twenty thousand dollars
Clause 1 (a) (iii) ..	Three hundred dollars	Four hundred and fifty dollars
Paragraph 9A ..	less than Five hundred dollars and Five hundred dollars	less than Seven hundred dollars and Seven hundred dollars