

COMPENSATION—

SEAMEN'S COMPENSATION REGULATIONS 1924.⁽¹⁾

1. These Regulations may be cited as the *Seamen's Compensation Regulations* 1924.⁽¹⁾

2. In these Regulations, unless the contrary intention appears, "The Act" means the *Seamen's Compensation Act* 1911 in its application to the Territory of New Guinea.

"Treasurer" means the Treasurer of the Territory of New Guinea.

3. The Second Schedule to the Act is amended by omitting paragraph (a) of clause (8.) thereof, and by inserting the following paragraph in its stead:—

"(a) Where the only person interested is the claimant, the memorandum may be recorded forthwith, but where persons other than the claimant are interested the memorandum shall not be recorded before seven (7) days after the despatch by the prescribed authority of notice to the persons interested."

4. Wherever in the First or the Second Schedule to the Act a "prescribed authority" is referred to, that "authority" shall be the Treasurer.

5. All moneys received by a prescribed authority in pursuance of paragraph (6.) or paragraph (7.) of the First Schedule to the Act shall be dealt with as the Treasurer directs.

(1) The *Seamen's Compensation Regulations* 1924 (made under the *Commonwealth Seamen's Compensation Act* 1911, as amended by the *Seamen's Compensation Ordinance* 1924-1925) comprise the original *Seamen's Compensation Regulations* 1924, as amended by the other Regulations referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR.

Description.	Date on which made by Administrator.	Date on which published in <i>N.G. Gaz.</i>	Date on which came into operation.
<i>Seamen's Compensation Regulations</i> 1924	22.10.1924	31.10.1924	"Forthwith" (a) (<i>N.G. Gaz.</i> of 31.10.1924)
<i>Amending Regulations</i>	15.6.1926	15.6.1926	"Forthwith" (a) (<i>N.G. Gaz.</i> of 15.6.1926)

(a) Each of these Regulations stated in their respective introductory parts that they were "to come into operation forthwith." At the relevant dates in 1924-1926, there was no Ordinance or regulation of the Territory of New Guinea of general application providing for the publication of regulations, the date on which they were to take effect, or the meaning of "forthwith", and there is no such provision in the Commonwealth *Seamen's Compensation Act* 1911, under which, in its application to the Territory of New Guinea, the above Regulations were made. *Quære* whether Section 10 of the *Commonwealth Acts Interpretation Act* 1904-1934 (as affected by Section 17 of the *Laws Repeal and Adopting Ordinance* 1921-1925 of the Territory of New Guinea), which has not been expressly extended to or adopted by the Territory, but which was applicable in the Commonwealth to the Commonwealth *Seamen's Compensation Act* 1911 at the date of its adoption by the Territory, was applicable to the *Seamen's Compensation Regulations* 1924, and the *Amending Regulations*; and whether, if so, "forthwith" should be interpreted as meaning the date of publication in *N.G. Gaz.* (Section 10 of the *Commonwealth Acts Interpretation Act* 1904-1934, provided that Regulations should, unless the contrary intention appeared, take effect from the date of their notification in the *Commonwealth of Australia Gazette* or from a later date specified in the regulations.)

Seamen's Compensation Regulations 1924.

6. The fee payable to the Medical Referee shall be as follows:—
For a first examination £2.
For a subsequent examination £1.

7.—(1.) Where the Administration admits that it is liable to pay compensation under the Act to the dependants of a seaman where death results from the injury, and any question arises as to:

Sub.-reg. (1)
am. by
Regs. gazetted
on 15. 6. 1926,
r. 1.

- (a) the total amount of compensation payable by the Administration;
(b) the persons who are dependants; or
(c) the amount of compensation payable to any dependant;
the question may be determined by the Central Court⁽²⁾ upon application in the manner prescribed by this Regulation.

(2.) The application may be made by the Crown Law Officer for the Territory of New Guinea, or by an agent for the Crown Law Officer purporting to act on his behalf.

(3.) Notice of intention to apply shall be filed in the Court and a copy of such notice shall be served upon each adult claimant for compensation or his solicitor, or in such other manner and upon such other persons (if any) as the Court directs.

Sub.-reg. (3)
am. by
Regs. gazetted
on 15. 6. 1926,
r. 1.

(4.) Service of the notice of intention to apply shall, unless the Court otherwise directs, be effected not less than two days before the date fixed by the notice for the hearing of the application.

(5.) All affidavits intended to be used on the hearing of the application shall be filed in the Court and copies thereof shall, before the hearing of the application, be served upon the Crown Law Officer and upon all persons served or directed to be served with notice of intention to apply.

(6.) Oral evidence may, by leave of the Court, be adduced on hearing of the application.

(7.) Subject to the Act, the Court shall, by order, determine any question submitted to it in such manner as it thinks just.

(8.) An order for costs shall not include any costs to any party in respect of the employment of any solicitor, counsel, legal practitioner or agent.

8.—(1.) An appeal under paragraph (3.) of the Second Schedule to the Act may be instituted by notice of appeal in accordance with this Regulation.

(2.) The party appealing shall, within forty-two days after the decision or order appealed against is made, serve the notice of appeal on the opposite party, and shall file a copy of the notice of appeal in the Central Court⁽²⁾ and in the Registry of the High Court.

Sub.-reg. (2)
am. by
Regs. gazetted
on 15. 6. 1926,
r. 2.

(3.) The notice of appeal must state the grounds of appeal.

(4.) The Registrar of the Central Court⁽²⁾ shall, forthwith after receiving the notice of appeal, send to the Registrar of the High Court all such proceedings in the Central Court⁽²⁾ as are necessary to the hearing of the appeal.

Sub.-reg. (4)
sub. by
Regs. gazetted
on 15. 6. 1926,
r. 2.

9. The Rules of the High Court shall, subject to these Regulations, apply to appeals under paragraph (3.) of the Second Schedule to the Act as far as the Rules are applicable.

Am. by
Regs. gazetted
on 15. 6. 1926,
r. 2.

(2) See Section 7A of the *Judiciary Ordinance 1921-1938.*

COMPENSATION—