

WORKERS' COMPENSATION REGULATIONS. ⁽¹⁾

PART I.—PRELIMINARY.

1. These Regulations may be cited as the *Workers' Compensation Regulations*. ⁽¹⁾ Short title.
2. These Regulations shall commence on the first day of November, One thousand nine hundred and forty-one. Commencement.
3. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary, rr. 1-5.
 - Part II.—Claims for Compensation, rr. 6-7.
 - Part III.—Arbitration Proceedings, rr. 8-58.
 - Division 1.—Applications for Arbitration, rr. 8-17.
 - Division 2.—Proceedings in Arbitration before a District Court, rr. 18-33.
 - Division 3.—Industrial Diseases, r. 34.
 - Division 4.—Registration, Reference, and Removal of Memoranda and Agreements, rr. 35-45.
 - Division 5.—Payment and Investment of Moneys and Suspension of Payments, rr. 46-58.
 - Part IV.—Costs and fees, rr. 59-67.
 - Part V.—Appeals and Questions of Law, rr. 68-69.
 - Part VI.—Medical Referees, rr. 70-73.
 - Part VII.—Miscellaneous, rr. 74-86.

4.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

- “Court” means a District Court;
- “medical attendance” means medical and surgical treatment, and includes dental or hospital treatment;
- “medical referee” means a duly qualified medical practitioner appointed by the Administrator to be a medical referee for the purposes of the Ordinance;
- “principal” has the same meaning as in section 9 of the Ordinance;
- “solicitor” includes any person mentioned in regulation 75 of these Regulations who may by leave of a District Court appear on behalf of a party;

(1) The *Workers' Compensation Regulations* (made under the *Workers' Compensation Ordinances 1941*) comprise the original *Workers' Compensation Regulations*, as amended by the other Regulation referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR IN COUNCIL.

Description and number and year.	Date on which made by Administrator in Council.	Date on which published in <i>N.G. Gaz.</i>	Date on which took effect and came into operation.
<i>Workers' Compensation Regulations</i> (1941, No. 8)	24.10.1941	29.10.1941	1.11.1941 (Reg. 2, <i>Workers' Compensation Regulations</i>)
<i>Amending Regulation</i> (1941, No. 9)	12.11.1941	15.11.1941	15.11.1941 (<i>N.G. Gaz.</i> of 15.11.1941)

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“special register” means the special register referred to in regulation 83 of these Regulations;

“the Clerk” means the person acting as Clerk of a District Court;

“the Ordinance” means the *Workers' Compensation Ordinances 1941*.

(2.) In these Regulations, any reference to a form shall be read as a reference to a form in the First Schedule to these Regulations.

Forms in First Schedule or like forms to be used.

5.—(1.) Subject to the provisions of the Ordinance and these Regulations, the forms in the First Schedule to these Regulations, where applicable, and, where they are not applicable, forms of the like character, with such variations as the circumstances require, shall be used in proceedings under the Ordinance.

(2.) Want of accuracy in the completion of any form, or the use of a wrong form, shall not invalidate any proceedings, but substantial compliance with any form shall suffice, and the Court may, in any case, make any amendment of any form or give such other direction, both as to costs and otherwise, as the circumstances require.

PART II.—CLAIMS FOR COMPENSATION.

Claim by worker.

6. A claim by a worker for compensation under the Ordinance may be made in accordance with Form 1 and shall be delivered, or sent by post, to the person against whom the claim is made.

Claim by dependant.

7. A claim by a dependant for compensation under the Ordinance may be in accordance with Form 2 and shall be delivered, or sent by post, to the person against whom the claim is made.

PART III.—ARBITRATION PROCEEDINGS.

Division 1.—Applications for Arbitration.

Parties to proceedings.

8.—(1.) Where an application is made for the settlement by a Court of any matter which under the Ordinance is to be settled by arbitration, the party making the application shall be called “the applicant”, and, subject to these Regulations, all other persons, whose presence at the arbitration may be necessary to enable the Court effectively and completely to adjudicate and settle all the questions involved, shall be made parties to the application and shall be called “the respondents”.

(2.) In any case in which both the principal and a contractor with him or two or more principals or employers are alleged to be liable to pay compensation under the Ordinance, whether jointly, severally, or in the alternative, they may be joined as respondents.

Application by dependants.

9.—(1.) An application on behalf of the dependants of a deceased worker for the settlement by arbitration of the amount payable as compensation to such dependants may be made by the legal personal representative, if any, of the deceased worker on behalf of such dependants, or by the dependants themselves, and in either case the particulars to be filed as required by these Regulations shall contain particulars as to the dependants on whose behalf the application is made.

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(2.) Where there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of such dependants, the other dependants in either case being named as respondents.

(3.) For the purposes of this regulation, the term "dependants" includes persons who claim, or may be entitled to claim, to be dependants, but as to whose claim to rank as dependants any question arises.

(4.) An application for the determination of the amount payable as compensation shall contain particulars as to the dependent persons in respect of whom compensation is claimed.

10.—(1.) In any case in which the amount payable as compensation to the dependants of a deceased worker has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the settlement of the question by arbitration may be made either by the legal personal representative, if any, of the deceased worker on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a question arises; or the application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased worker, and the dependants, and such of the persons claiming, or entitled to claim, to be dependants as are not applicants.

Application by dependants where amount of compensation agreed or ascertained.

(2.) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(3.) The employer, if made a respondent, may pay the amount of compensation in his hands into Court, to be dealt with as the Court directs, and thereupon further proceedings against him shall be stayed.

(4.) The Clerk shall, as soon as practicable after the time of payment made pursuant to the last preceding sub-regulation, send notice thereof to the applicant and to the other respondents, if any, and the employer shall not be liable to any costs otherwise than in accordance with paragraph (c) of sub-regulation (6.) of regulation 22 of these Regulations.

11.—(1.) An application for the settlement by arbitration of the compensation payable in respect of the expenses of medical attendance on and the burial of a deceased worker who leaves no dependants shall be made by the legal personal representative, if any, of the deceased worker.

Parties in proceedings respecting determination of sums payable for medical attendance and burial—no dependants.

(2.) If there is no legal personal representative, the application may be made by any person to whom expenses are alleged to be due.

(3.) Any other person known to the applicant under the last preceding sub-regulation as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

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(4.) In any case in which application is made for the settlement by arbitration of such compensation, the compensation awarded, if insufficient for the payment of such expenses in full, shall be apportioned between the persons to whom the expenses are due in such manner as the Court directs.

Parties under disability.

12. The Rules⁽²⁾ made under the *District Courts Ordinance 1924-1938* and for the time being in force and relating to persons under disability shall, with the necessary modifications, apply to proceedings by way of arbitration under the Ordinance:

Provided that a Court may at any time direct that an infant shall appear either as applicant or respondent in all respects as if he were of full age.

Request for arbitration.

13.—(1.) An application for the settlement of any matter by arbitration shall not be made unless and until some question has arisen between the parties and the question has not been settled by agreement.

(2.) Where any question has arisen and has not been settled by agreement, an application for the settlement of the matter by arbitration shall be made by the applicant filing with the Clerk a request for the arbitration intituled in the matter of the Ordinance and in the matter of the arbitration, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register.

(3.) Particulars shall be appended or annexed to the request containing—

- (a) a concise statement of the circumstances under which the application is made, and the relief or order which the applicant claims;
- (b) The date of service of notice of the accident on the employer, or, if such notice has not been served, the reason for such omission; and
- (c) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Forms of request and particulars.

14.—(1.) The request and particulars shall be in accordance with such one of the Forms numbered 3 to 9 (inclusive) as is applicable to the case, with such modifications as the nature of the case requires.

(2.) A copy of the notice of the accident shall, subject to the next succeeding sub-regulation, be appended or annexed to the particulars.

(3.) Where, for any reason, a copy of the notice cannot be appended or annexed to the particulars, the reason for the omission shall be stated in the particulars.

Application by employer.

15.—(1.) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by arbitration, he shall file a request for arbitration in accordance with regulation 13 of these Regulations, to which the worker, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased worker, or the other persons (as the case may be) on whose behalf the claim is made, shall be respondents.

(2) See the *District Courts Rules*, printed on p. 1151.

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(2.) Particulars shall be appended or annexed to the request containing—

- (a) a concise statement of the circumstances under which the application is made;
- (b) a statement whether the applicant admits his liability to pay compensation, or denies the liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability;
- (c) a statement of the matters which the applicant desires to have settled by arbitration; and
- (d) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

16. The applicant shall deliver to the Clerk with the request and particulars a copy thereof for the use of the Court, and a copy for each respondent to be served.

Copies for Court and respondents.

17. Where any party to any proceeding is illiterate or unable to fill up any form required to be used, it shall be filled up, on his behalf, by the Clerk.

Where applicant is illiterate, &c.

Division 2.—Proceedings in Arbitration before a District Court.

18.—(1.) On the filing of a request for arbitration, the Clerk shall, as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration.

Fixing day for hearing.

(2.) The day shall, subject to the provisions of regulation 31 of these Regulations, be so appointed as to allow the copies of the request and particulars to be served on the respondents at least 14 clear days before the day so appointed.

19.—(1.) On the day being duly appointed under the last preceding regulation, the Clerk shall—

Notice to parties of day appointed.

- (a) give, or send by post, to the applicant, notice, in accordance with Form 10, stating the place at which and the day and hour on and at which the arbitration will be proceeded with; and
- (b) issue the copies of the request and particulars for service on the respondents, together with notices in accordance with Form 11, stating the place at which, the day and hour on and at which the arbitration will be proceeded with, and that if the respondents do not appear in person or by their solicitor at the appointed time and place such order will be made and proceedings taken as the Court thinks just and expedient.

(2.) Where the request is filed by an employer, the notice to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

20.—(1.) The copies and notices mentioned in the last preceding regulation shall, subject to the provisions of regulation 31 of these Regulations, be served on the respondents at least 14 clear days before the day appointed for proceeding with the arbitration.

Service on respondents.

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(2.) The copies and notices mentioned in the last preceding regulation may be served by a bailiff of the Court or by the applicant or any competent person employed by him.

(3.) Service may be in accordance with the provisions of sub-sections (3.) and (4.) of section 8 of the Ordinance, and the provisions of those sub-sections shall apply to such service.

(4.) The applicant shall (unless the respondent files an answer) file with the Clerk an affidavit of the service of the documents, in accordance with Form 12, with such variations as the circumstances of the case require.

(5.) Where an affidavit of service is not so filed before the day appointed for proceeding with the arbitration, the request for arbitration shall be struck out, but may be restored for hearing on such terms as the Court orders.

(6.) Where the documents are served by post, they shall, unless the contrary is proved, be deemed to have been served at the time when the letter containing them would have been delivered in the ordinary course of post, and in proving the service of the documents it shall be sufficient to prove that they were properly addressed and registered.

Answer by
respondent.

21.—(1.) If any respondent—

- (a) desires to disclaim any interest in the subject-matter of an arbitration; or
- (b) considers that the applicant's particulars are in any respect inaccurate or incomplete; or
- (c) desires to bring any fact or document to the notice of the Court; or
- (d) intends to rely on the fact that—
 - (i) notice of the accident or of death, disablement, or suspension was not given as required by the Ordinance; or
 - (ii) the claim for compensation was not made within the time limited by the Ordinance; or
- (e) intends to deny (wholly or partially) his liability to pay compensation under the Ordinance,

he shall—

- (f) seven clear days at least before the day appointed for proceeding with the arbitration; or
- (g) if the time is abridged pursuant to regulation 31 of these Regulations, then within the time appointed by the order,

file with the Clerk an answer in accordance with Form 13, stating—

- (h) his name and address;
- (i) the name and address of his solicitor (if any); and

further stating—

- (j) that he disclaims any interest in the subject-matter of the arbitration; or
- (k) in what respect the applicant's particulars are inaccurate or incomplete; or
- (l) concisely any fact or document which he desires to bring to the notice of the Court, or on which he intends to rely; or
- (m) the grounds on and extent to which he denies liability.

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(2.) The respondent shall with such answer file one copy thereof for the applicant and one copy for the Court, and one copy for each of the other respondents; and the Clerk shall as soon as practicable after receiving the copies transmit them by post to the applicant and the other respondents respectively.

(3.) Subject to any answer so filed, the applicant's particulars, and, in the case of a claim for compensation, the liability to pay compensation under the Ordinance shall be taken to be admitted:

Provided that in case of non-compliance with this regulation, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself of any matter of which he should pursuant to this regulation have given notice by filing an answer, the Court may, on such terms as it thinks fit, either proceed with the arbitration and allow the respondent to avail himself of such matter, or adjourn the arbitration to enable the respondent to file the answer.

(4.) The provisions of this regulation shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

22.—(1.) A respondent who admits liability may at any time before the day appointed for proceeding with the arbitration—

Submission to
award or
payment into
Court by
respondent.

(a) where the application is made by an injured worker—

(i) file with the Clerk a notice in accordance with Form 14 that he submits to an award for the payment of a weekly sum, to be specified in the notice; or

(ii) file with the Clerk a notice in accordance with Form 14 that he submits to an award for the payment of a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case, and pay the sum into Court; or

(b) where the application is made on behalf of the dependants of a deceased worker, or for the settlement of the compensation payable in respect of the expenses of medical attendance on and the burial of a deceased worker who leaves no dependants—

file with the Clerk a notice in accordance with Form 14 that he admits liability, and pay into Court such sum of money as he considers sufficient to cover his liability in the circumstances of the case.

In every such case, the respondent shall file as many copies of the notice as there are parties to whom notice of submission to an award or of payment into Court is to be sent.

(2.) A respondent who denies liability may at any time before the day appointed for proceeding with the arbitration file a notice, in accordance with Form 14, of submission to an award or pay money into Court in accordance with this regulation, accompanied by a notice

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stating his name and address, and further stating that notwithstanding such submission or payment he denies his liability, together with as many copies of the notice as there are parties to whom notice of submission or payment is to be sent.

(3.) The Clerk shall, as soon as practicable after the time of any notice filed or payment made pursuant to either of the last two preceding sub-regulations, send notice thereof in accordance with Form 15 or 16, as the case requires (with a copy of the notice filed by the respondent), to the applicant, and to the other respondents (if any).

(4.) If the applicant is a worker, and elects to accept in satisfaction of his claim the weekly payment or the lump sum specified in the respondent's notice, he shall, within such reasonable time before the day appointed for proceeding with the arbitration as the time of filing of notice of submission by the respondent permits, send to the Clerk and to the respondent by post, or leave at the office of the Clerk and at the residence or place of business of the respondent, a written notice in accordance with Form 17, stating such acceptance.

(5.) If the application for arbitration is made on behalf of the dependants of a deceased worker, or for the settlement of the compensation payable in respect of the expenses of medical attendance and burial, and the applicant elects to accept the sum paid into Court in satisfaction of the compensation payable to the dependants, or in respect of such expenses (as the case may be), he shall, within such reasonable time before the day appointed for proceeding with the arbitration as the time of payment into Court by the respondent permits, send to the Clerk and to the respondent by post, or leave at the office of the Clerk and at the residence or place of business of the respondent, a written notice in accordance with Form 17, stating such acceptance.

If there are any other respondents, the applicant shall in like manner give notice of his acceptance to those respondents; and if any of those respondents elects to accept the sum paid into Court in satisfaction of such compensation, he shall in like manner give notice of such acceptance to the Clerk and to the applicant and the other respondents.

(6.) If the applicant is a worker, and elects to accept in satisfaction of his claim the weekly payment submitted to or the lump sum paid into Court by the respondent, or if in any other case the applicant and all the respondents give notice of their acceptance of the sum paid into Court, the following provisions shall apply:—

(a) Where the applicant is a worker and accepts the weekly payment submitted to or the lump sum paid into Court by the respondent, the Court may, on application made forthwith, make an award directing payment of the weekly sum accordingly, or directing payment of the lump sum to or applying it for the benefit of the worker;

(b) Where in the case of death the respondent has paid money into Court, further proceedings against such respondent shall be stayed, except as hereinafter mentioned, and—

(i) if the applicant and the other respondents agree as to how the money should be apportioned and applied, the Court may, on application

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- made on behalf of or with the consent of all such parties, forthwith make an award in accordance with such agreement;
- (ii) in any other case the arbitration may proceed as between the applicant and the other respondents;
- (c) In any such case the Court may, at its discretion, by its award order the respondent filing notice of submission to an award or paying money into Court to pay such costs as the applicant and the other respondents, or any of them, may have properly incurred before the receipt of notice of such submission or payment, and his or their costs properly incurred in relation to the notice of such submission or payment and to the notice of acceptance, including, if the Court on consideration of the facts of the case orders, any items which might have been allowed by order of the Court at the hearing of the arbitration;
- (d) If the applicant or any respondent intends to apply for any such costs, he shall give notice of his intention in his notice of acceptance, in accordance with Form 17, or where the time of filing notice of submission to an award or the time of payment into Court by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for such costs without giving such notice.

(7.) Where any party has not given notice of acceptance in accordance with this regulation, he may nevertheless accept the weekly payment which the respondent has submitted to pay, or the sum paid into Court, at any time before the arbitration is called on and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission or the date of payment into Court, and which may be allowed by the Court; and the Court may order any costs so allowed to be paid by the party so accepting, and may order the costs to be set off against any costs payable to that party or to be deducted from any weekly payment or compensation awarded to that party.

(8.) In default of notice of acceptance by the applicant and all the respondents, the arbitration may proceed; but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into Court, the respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly payment offered or sum paid into Court had been accepted; and the Court may order any costs incurred by that respondent after notice of submission to an award or payment into Court to be paid by any party who has not given notice of acceptance of such weekly payment or sum, and may order the costs to be set off against any costs payable to that party or to be deducted from any weekly payment or compensation awarded to that party. The Court may also order any costs incurred after notice of payment into Court by any party who has given notice of acceptance to be paid by any other party who has not given such notice and to be deducted from any compensation awarded to such last-mentioned party.

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(9.) The provisions of this regulation shall, with the necessary modifications, apply to a case in which an employer has filed a request for arbitration.

Claims to indemnity under section 9.

23.—(1.) Where a respondent claims to be entitled under section 9 of the Ordinance to indemnity against any person not a party to the arbitration, he shall, seven clear days at least before the day appointed for proceeding with the arbitration, or if the time is abridged pursuant to regulation 31 of these Regulations, then within the time appointed by the order, file a notice of his claim in accordance with Form 18.

(2.) The Clerk shall deliver the notice to the respondent, who shall serve it, together with a copy of the applicant's request and particulars, and of the notice served on the respondent under regulations 19 and 20 of these Regulations, upon the person against whom the claim is made, and the provisions of sub-regulations (2.) to (6.), both inclusive, of regulation 20 of these Regulations shall apply to such service.

Appearance by third party.

24. If any person served with a notice under the last preceding regulation (in these Regulations, other than in regulation 28 of these Regulations, referred to as "the third party") desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, or his own liability to the respondent, he shall appear before the Court on the day appointed for proceeding with the arbitration, or on any day to which he may have received notice from the Clerk that the arbitration has been adjourned or postponed; and, in default of his so doing, he shall be deemed to admit the validity of any award made against the respondent as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether the award is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent:

Provided that if, before or at the arbitration, it appears to the Court that—

(a) the notice of claim has not been served on the third party in time to enable him to appear on the day so appointed or notified; or

(b) for any other sufficient cause the third party is unable to appear on that day,

the Court may postpone or adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as it thinks just.

Proceedings on default of appearance by third party.

25. If the third party fails to appear on either of the days mentioned in the last preceding regulation, or, if the proceedings are adjourned under that regulation, on the day to which the proceedings are adjourned, then, if the arbitration results in an award in favour of the applicant or the arbitration is finally decided in favour of the applicant otherwise than by an award, the Court may, on the application of the respondent, make such award as the nature of the case requires in favour of the respondent against the third party; but execution thereof shall not issue without leave of the Court until after satisfaction by the respondent of the award against him, or the amount recovered against him:

Provided that the Court may set aside or vary any award made against the third party under this regulation upon such terms as it thinks just.

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26. The third party or the respondent, either before or at the arbitration, may apply to the Court for directions; and the Court, upon the hearing of the application, may—

Applications
for directions.

- (a) if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent giving the notice to be determined at or after the arbitration; or
- (b) if not so satisfied, make such award as the nature of the case requires in favour of the respondent giving the notice against the third party; or
- (c) if it appears desirable so to do, give the third party leave—
 - (i) to resist the claim of the applicant against the respondent upon such terms as it thinks just; or
 - (ii) to appear at the arbitration and take such part therein as it thinks just; and
- (d) generally give such directions as it thinks proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the award in the arbitration.

27. The Court may decide all questions of costs as between a third party and the other parties to the arbitration, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case requires.

Costs as
between third
parties and
other parties.

28.—(1.) Where a respondent claims that if compensation is recovered against him he will be entitled under section 10 of the Ordinance, or otherwise than under section 9 of the Ordinance, to indemnity against any person not a party to the arbitration, he may, if he desires that such person shall be bound by the proceedings in the arbitration to the extent in this regulation provided, file and serve a notice of his claim in accordance with regulation 23 of these Regulations.

Claims to
indemnity
under
section 10, or
otherwise than
under section 9.

(2.) If any person served with a notice under the last preceding sub-regulation (in this regulation referred to as "the third party") desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, he shall appear before the Court on the day appointed for proceeding with the arbitration, or on any day to which he may have received notice from the Clerk that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against the respondent as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether the award is made by consent or otherwise:

Provided that, if it appears to the Court before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day so appointed or notified, or that for

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any other sufficient cause the third party is unable to appear on that day, the Court may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as may be just.

(3.) The third party or the respondent may apply before or at the arbitration to the Court for directions; and the Court, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as it thinks proper.

(4.) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of the last preceding regulation as to costs shall apply.

(5.) Nothing in this regulation shall empower the Court to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any award in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and the third party to dispute the validity of the award as to any matter which the Court has jurisdiction to decide in the arbitration as between the applicant and the respondent:

Provided that, with the consent of the respondent and the third party—

- (a) if the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his liability to indemnify the respondent, the Court may, on application made to it at or after the hearing of the arbitration or the final decision thereof, make such an award as the nature of the case requires in favour of the respondent against the third party; but execution thereon shall not issue without leave of the Court until after satisfaction by the respondent of the award against him, or the amount recovered against him; or
- (b) the Court may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case requires in favour of either party against the other.

(6.) In any case referred to in paragraph (a) or (b) of the proviso to the last preceding sub-regulation, the Court may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to the costs as the justice of the case requires.

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29. The provisions of regulations 23 to 28, both inclusive, of these Regulations shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

Third party procedure where employer is applicant.

30.—(1.) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against such other respondent if such last-mentioned respondent were a third party.

Claim to indemnity as between respondents.

(2.) Nothing contained in this regulation shall prejudice the rights of the applicant against any respondent.

31. The Court or the Clerk may for good cause shown abridge the time for service of a request for arbitration on any respondent, or the time for filing an answer or serving a third party notice under these Regulations, and if an order is made to that effect a copy of the order shall be annexed to and served with the notice to be served on the respondent.

Abridgment of time for service, &c.

32.—(1.) Subject to the special provisions of these Regulations and any special direction of the Court, the procedure in an arbitration shall conform as nearly as may be to the hearing of a complaint under the *District Courts Ordinance 1924-1938*.

Procedure on arbitration.

(2.) The burden of proof of any fact which is not admitted shall be the same whoever the party may be by whom the request for arbitration is filed.

33.—(1.) The award of a Court on any arbitration shall be in accordance with Form 19 and prepared and settled by the Clerk, and shall be signed by the person constituting the Court, and shall be filed and shall be enforceable in the same manner as a judgment or order of the Court.

Awards.

(2.) The Clerk shall notify the parties concerned, in accordance with Form 20, of the day upon which the award is to be settled.

(3.) The Court shall have power at any time to correct any clerical mistake or error in the award arising from any accidental slip or omission.

(4.) The Clerk shall, upon application being made in accordance with Form 21 by any person or by the solicitor of any person in whose favour an award or order has been entered up or made, issue and deliver to such person or solicitor a certificate thereof in accordance with Form 22.

Division 3.—Industrial Diseases.

34. In the application of the Ordinance and these Regulations to the case of a worker disabled by or suspended on account of his having contracted any disease specified in the Fourth Schedule to the Ordinance, or in the case of a worker whose death has been caused by any such disease, the following provisions shall apply:—

Application of Ordinance and Regulations to cases of industrial disease.

(a) The notice required by section 8 of the Ordinance shall state the date and cause of the disablement or suspension;

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and where a certificate of disablement or a certificate of or relating to suspension has been given, a copy thereof shall on demand be furnished to the employer;

- (b) A request for arbitration shall, with any necessary modifications, be in accordance with Form 8 or 9, as the case requires;
- (c) If the employer desires to add any other employer as a party to the arbitration pursuant to paragraph (ii) of the proviso to paragraph (f) of sub-section (1.) of section 11 of the Ordinance, he shall file with the Clerk in duplicate a notice in accordance with Form 23; and thereupon the Clerk shall make an order in accordance with Form 24 adding such other employer as a respondent, and may if necessary adjourn the hearing of the arbitration for such time as may be necessary to enable the other employer to be duly served;
- (d) Where a respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added, and of the order and a notice in accordance with Form 25 shall be sent by post to the applicant and the original respondent; and the like copies, together with a copy of the applicant's request and particulars, and of the notice served on the original respondent under regulations 19 and 20 of these Regulations, and a notice in accordance with Form 26 as to the place at which and the day and hour on and at which the arbitration will be proceeded with, shall be issued by the Clerk for service on the added respondent, and the copies and notices shall be served on the added respondent in accordance with regulation 20 of these Regulations, with the substitution of the original respondent for the applicant;
- (e) The provisions of these Regulations as to respondents shall apply to the added respondent from the date of service on him as if he had been originally made a respondent;
- (f) At the hearing of the arbitration, the Court shall decide all questions as between the applicant and the original and added respondents, and may make such an award as is necessary effectively and completely to adjudicate upon and settle all the questions involved in the arbitration, and may make such order as to costs as between the applicant and the respondents, and as between the respondents themselves, as it thinks just;
- (g) Where the employer claims under paragraph (iii) of the proviso to paragraph (f) of sub-section (1.) of section 11 of the Ordinance to be entitled to contribution from any other employer, he may, by notice in accordance with Form 18, bring in such other employer as a third party in accordance with regulations 23 to 27 (both inclusive), 29, and 30 of these Regulations; and the provisions of those regulations shall, with the necessary modifications, apply to any such claim to contribution in like manner as they apply to claims to indemnity.

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Division 4.—Registration, Reference, and Removal of Memoranda and Agreements.

35.—(1.) The memorandum as to any matter decided by agreement, which is by paragraph 7 of the Second Schedule to the Ordinance required to be sent to the Clerk, shall be in accordance with Form 27, and shall be left at the office of the Clerk, or sent by post by registered letter addressed to the Clerk at his office, as soon as may be after the matter has been decided.

Recording of memorandum of agreement, &c.

(2.) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph 12 of the Second Schedule to the Ordinance, a copy of the report of the referee shall be annexed to the memorandum and recorded therewith; and if the referee attended any proceeding in the arbitration it shall be so stated in the memorandum.

(3.) In the case of an agreement as to any matter referred to in sub-regulation (1.) of regulation 44 of these Regulations, a separate statement as required by that sub-regulation shall be prepared in accordance with Form 28 and shall be left or sent with the memorandum of the agreement.

36.—(1.) If the matter is decided by agreement, the memorandum shall be authenticated by the signatures or signature of the parties to the agreement or one of them, or, in the case of employers, by the signature of some official or other person in their employ duly authorized to sign on their behalf, or of an agent duly authorized to sign on their behalf, or, in the case of persons under disability, by the signature of their next friend on their behalf.

Authentication of memorandum of agreement.

(2.) A memorandum of an agreement may be left with or sent to the Clerk by insurers on behalf of the parties interested.

(3.) There shall be left or sent with the memorandum a copy thereof for every party interested.

(4.) Where the matter is decided by agreement, the Clerk may, if the original agreement is in writing, and is not left or sent to be recorded, require the original agreement to be produced; but he shall not be entitled to retain the original agreement where a memorandum thereof is left or sent to be recorded.

(5.) An agreement made by or on behalf of any person under any legal disability shall be conditional only unless and until a memorandum thereof has been recorded in accordance with the Ordinance and these Regulations.

37. On the receipt of the memorandum and copies, the Clerk shall send one of the copies to every party interested, with a notice in accordance with Form 29, requesting such party to inform him within 14 days from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, and, if so, on what grounds.

Notice to parties interested of memorandum having been received.

38. If all the parties interested admit the genuineness of the memorandum, or if none of such parties within such period of 14 days disputes its genuineness pursuant to regulation 39 of these Regulations, and the employer does not object to its being recorded pursuant to that regulation, the Clerk shall, subject to paragraph (d) of the proviso to

Recording of memorandum, if genuineness not disputed.

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paragraph 7 of the Second Schedule to the Ordinance, and to regulations 42 and 44 of these Regulations, record the memorandum without further proof.

Where genuineness disputed or objection made to memorandum being recorded.

39. If any party interested disputes the genuineness of the memorandum by alleging, in particular, in the case of a memorandum of an agreement that no such agreement has in fact been entered into, or that the terms of the agreement are not correctly stated in the memorandum, or that the agreement is no longer subsisting or enforceable, or that it is not enforceable by reason of its having been entered into under a mutual mistake, or obtained by fraud or undue influence or other improper means, or if, in any case where a worker seeks to record a memorandum of an agreement between his employer and himself, the employer alleges that the worker has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of the memorandum, the party so disputing or the employer so objecting shall, within 14 days from the date of the notice mentioned in regulation 37 of these Regulations, file with the Clerk a notice in accordance with Form 30, stating the grounds on which he disputes the genuineness of the memorandum or objects to its being recorded, and shall with the notice file a copy thereof for each of the other parties interested.

Notice of dispute or objection.

40. On the receipt of any notice referred to in the last preceding regulation, the Clerk shall send a copy thereof to each of the other parties interested, together with a notice in accordance with Form 31, informing such party that the memorandum will not be recorded except with the consent in writing of the party disputing the genuineness thereof, or the employer objecting to the recording thereof, or by order of the Court.

Subsequent proceedings.

41.—(1.) If the consent mentioned in the last preceding regulation is obtained, the Clerk shall, subject to paragraph (d) of the proviso to paragraph 7 of the Second Schedule to the Ordinance, and to regulation 44 of these Regulations, record the memorandum without further proof.

(2.) If the consent cannot be obtained, any party interested may apply to the Court to order the memorandum to be recorded.

(3.) Where all parties interested consent in writing to any amendment of the memorandum, and to the recording of the memorandum as so amended, the Clerk may amend the memorandum accordingly, and record it without further proof.

Where objection made to adequacy of sum payable, or information given as to matters mentioned in paragraph (d) of proviso to paragraph 7 of Second Schedule to Ordinance.

42. Where a memorandum of an agreement as to any matter referred to in sub-regulation (1.) of regulation 44 of these Regulations is presented for registration, and any party interested, on receipt of the notice mentioned in regulation 37 of these Regulations, or the notice mentioned in sub-regulation (2.) of regulation 44 of these Regulations, does not file a notice pursuant to regulation 39 of these Regulations, disputing the genuineness of the memorandum, but objects to the memorandum being recorded on the ground of the inadequacy of the sum or amount payable, or gives to the Clerk any information bearing on the question whether the memorandum may properly be recorded, regard being had to paragraph (d) of the proviso to paragraph 7 of

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the Second Schedule to the Ordinance, the Clerk shall before recording the memorandum proceed to consider the objection or information in accordance with paragraph (d) of that proviso, and with regulation 44 of these Regulations.

43. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the Court to rectify the register pursuant to paragraph (c) of the proviso to paragraph 7 of the Second Schedule to the Ordinance:—

Proceedings on application for recording of memorandum or rectification of register.

- (a) The application shall be made in Court on notice in accordance with Form 32, stating the relief or order which the applicant claims;
- (b) The notice shall be filed with the Clerk, and copies thereof shall be served—
 - (i) in the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;
 - (ii) in the case of an application to rectify the register, on every party who would be affected by such rectification, subject to the provisions of these Regulations as to the parties to an arbitration, ten clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice;
- (c) On the hearing of the application, witnesses may be orally examined in the same manner as on the hearing of a complaint;
- (d) On the hearing of the application the Court may make such order or give such directions as it thinks just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to paragraph (d) of the proviso to paragraph 7 of the Second Schedule to the Ordinance;
- (e) The provisions of the Ordinance and these Regulations as to the costs of an arbitration before the Court shall apply to any such application.

44.—(1.) Where a memorandum of an agreement made before ascertainment of compensation for payment of a lump sum by way of compromise and satisfaction of all claims, or an agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, is presented for registration, there shall be left or sent with the memorandum a separate statement in accordance with Form 28 setting out such of the particulars mentioned in that Form as are applicable to the case.

Reference to Court of agreements.

(2.) In any such case the Clerk shall, before recording the memorandum, in addition to sending the notice mentioned in regulation 37 of these Regulations, send a notice, in accordance with Form 33, to every party interested, requesting such party to inform him by letter or by personal interview at his office, of any facts relating to the agreement

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and the circumstances in which it was arrived at which any such party may desire to bring to the notice of the Clerk, and which may assist him in deciding whether the memorandum may properly be recorded; and the Clerk shall make such further inquiries and obtain such further information as he thinks necessary in order to satisfy himself that the memorandum may properly be recorded, regard being had to paragraph (d) of the proviso to paragraph 7 of the Second Schedule to the Ordinance; and it shall be the duty of the parties to the agreement to answer the inquiries and give information accordingly.

(3.) Where notice disputing the genuineness of the memorandum is not filed pursuant to regulation 39 of these Regulations, but it appears to the Clerk, on any information which he considers sufficient, that the memorandum ought not to be recorded for any reason mentioned in paragraph (d) of the proviso to paragraph 7 of the Second Schedule to the Ordinance, he shall report, in writing, to the Court stating the information he has obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.

(4.) If on consideration of the report of the Clerk it appears to the Court that the memorandum may properly be recorded, the Court may so direct, and it shall be recorded accordingly.

(5.) If on consideration of the report of the Clerk it appears to the Court that the memorandum should not be recorded without further inquiry, the Clerk shall send notice to the parties interested, in accordance with Form 34, informing them that he has referred the matter to the Court, and requiring them to attend on a day to be specified in the notice, when the matter will be inquired into by the Court.

(6.) The notices shall be sent to the parties interested or their solicitors 14 clear days at least before the day specified for the inquiry, unless the Court directs shorter notice to be given.

(7.) At the inquiry witnesses may be orally examined in the same manner as on the hearing of a complaint.

(8.) At the inquiry the Court may make such order or give such directions as under the circumstances it thinks just.

(9.) The provisions of the Ordinance and these Regulations as to the costs of an arbitration before the Court shall apply to any such inquiry; and in particular, if it appears that a report of the Clerk has been rendered necessary by the neglect or refusal of any party to an agreement to furnish any information reasonably required of him by the Clerk, that party may be ordered to pay the costs of the inquiry.

Removal of
record
of agreement
from register.

45.—(1.) An application to the Court by or on behalf of any party for the removal from the register of the record of a memorandum of an agreement pursuant to paragraph (e) of the proviso to paragraph 7 of the Second Schedule to the Ordinance shall be made in Court on notice in accordance with Form 35; and the provisions of regulation 43 of these Regulations shall apply to the proceedings on the application.

(2.) If it appears to the Court on a report by the Clerk without any such application that the record of a memorandum of an agreement should be removed from the register pursuant to paragraph (e) of the proviso mentioned in the last preceding sub-regulation, the Clerk shall send notice, in accordance with Form 36, to the parties to the agreement, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the Court.

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(3.) Such notice shall be sent and the inquiry held in accordance with the provisions of the last preceding regulation, and the provisions of that regulation shall apply to the inquiry.

Division 5.—Payment and Investment of Moneys and Suspension of Payments.

46. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability, or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability, and a memorandum thereof has been recorded in accordance with the Ordinance and these Regulations, such sum shall be paid into Court, and shall be invested, applied, or otherwise dealt with by the Court in such manner as the Court in its discretion thinks fit for the benefit of the person entitled thereto, and the receipt of the Clerk shall be a sufficient discharge in respect of the amount paid in; and the provisions of paragraph 5 of the First Schedule to the Ordinance and of regulation 49 of these Regulations shall apply to the payment into Court and the investment and application of such lump sum.

Payment into Court and investment and application of lump sum payable under agreement in lieu of or for redemption of weekly payment to person under disability.

47.—(1.) In any case in which a worker has given notice of an accident, or is receiving weekly payments under the Ordinance, and the employer alleges that the worker refuses to submit himself to medical examination in accordance with paragraph 4, paragraph 9, or paragraph 10 of the First Schedule to the Ordinance, or in any way obstructs the examination, or the medical referee, as the case may be, the employer may apply, in accordance with this regulation, for the suspension, until the examination has taken place, of the right to compensation and to take or prosecute any proceeding under the Ordinance in relation to compensation or of the right to the weekly payments.

Application to stay proceedings or suspend weekly payments on refusal of worker to submit to examination.

(2.) Where the worker has given notice of an accident, the application shall be made to the Court, whether proceedings are pending or not.

(3.) Where the worker is receiving weekly payments under an award, memorandum, or certificate, the application shall be made to the Court, whether proceedings for review are pending or not.

(4.) Any application under this regulation may, subject to the following modifications, be made in or out of Court in accordance with regulation 43 of these Regulations:—

(a) The notice of application shall be in accordance with Form 37; and

(b) The notice shall be served on the worker or his solicitor five clear days before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice.

48.—(1.) Where an application is made for an order that a memorandum of an agreement as to a weekly payment be recorded, and the employer alleges that incapacity for work has wholly or partially ceased, the Court may, on the hearing of the application, if it orders the memorandum to be recorded, order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into Court, to abide the order of the Court, as from the date on which the employer

Suspension of weekly payment pending application for review.

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alleges that incapacity wholly or partially ceased, or from any later date, for such time as it thinks fit, to enable the employer to file a request for arbitration with respect to the review of the weekly payment.

(2.) Where an employer intends to apply for an order of suspension or payment into Court under the last preceding sub-regulation, he shall file with the Clerk notice of his intention, specifying the date on which he alleges that incapacity wholly or partially ceased; and copies thereof shall be served in accordance with regulation 43 of these Regulations five clear days at least before the hearing of the application to record, unless the Court or the Clerk gives leave for shorter notice.

(3.) The provisions of this regulation shall not prejudice the power of the Court to refuse to order a memorandum of an agreement to be recorded.

(4.) Where a request is filed for arbitration with respect to the review of a weekly payment, the Court may, at any time before the hearing of the arbitration, order the weekly payment to be wholly or partially suspended or to be wholly or partially paid into Court, to abide the order of the Court, as from the date on which the employer alleges in his request that incapacity wholly or partially ceased, or from any later date, until the hearing of the arbitration.

(5.) An application for an order for suspension or payment into Court under the last preceding sub-regulation shall be made in Court on notice in writing; and the provisions of regulation 43 of these Regulations shall apply to the proceedings on the application.

(6.) An order for suspension or payment into Court under this regulation shall be without prejudice to the right of the worker to apply to the Court, on good cause shown, to discharge the order. Any such application shall be made in Court on notice in writing; and the provisions of regulation 43 of these Regulations shall apply to the proceedings on the application.

Payment into Court, investment and application of payment in case of death.

49.—(1.) In the case of death, matters in relation to payments into Court pursuant to paragraph 5 of the First Schedule to the Ordinance shall be dealt with in accordance with the provisions of this regulation.

(2.) Where any money is to be paid into Court under an award made by the Court, or under an agreement, payment shall, in the case of an award made by the Court, be made in accordance with the directions contained in the award, and, in any other case payment shall be made into the Court in accordance with the provisions of this regulation.

(3.) Where money is to be paid into Court under this regulation, the employer shall lodge with the Clerk a praecipe in accordance with Form 38 and the Clerk shall, on receipt of the sum paid in, give a receipt therefor in accordance with the directions contained in Form 38. The employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(4.) On the payment of money into Court, the Clerk shall forthwith send by post to each of the persons appearing by the award to be interested in the money, a notice of the payment in accordance with Form 39:

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Provided that, in the case of infant dependants residing with their mother or guardian, it shall be sufficient to send the notice to the mother or guardian only.

(5.) If all questions as to who are dependants and the amount payable to each dependant have been settled by arbitration before payment into Court, the sum so paid shall be allotted between the dependants in accordance with the award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(6.) If all questions as to who are dependants have been determined before payment into Court, the amount payable to each dependant shall be settled by the Court, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(7.) If any such questions have not been settled before payment into Court, then—

(a) if all the persons interested in the sum paid into Court agree to leave the application thereof to the Court, or if no question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into the Court, but any of the persons interested in such sum are absent or under disability, the amount paid into Court shall, on application by or on behalf of the person interested therein, be allotted, invested, applied, or otherwise dealt with by the Court for the benefit of the persons interested therein in accordance with paragraph 5 of the First Schedule to the Ordinance;

(b) if any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into Court, the question shall be settled by arbitration in accordance with the Ordinance and these Regulations; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First Schedule to the Ordinance.

(8.) Where any question is settled by the Court by arbitration in accordance with the last preceding sub-regulation, an application for the investment or application of any sum allotted to any person on the arbitration may be made at or immediately after the hearing of the arbitration.

(9.) Where application is not so made, or in any other case coming within paragraph 5 of the First Schedule to the Ordinance, the following provisions shall apply:—

(a) An application for the investment and application of the sum paid into Court, or of the amount allotted to any person, may be made to the Court in accordance with

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Form 40 or 41, as the case requires, stating on whose behalf the application is made and the order for which the applicant asks;

- (b) The notice shall be filed with the Clerk, and, where the application is made by or on behalf of some only of the persons interested, notice thereof shall be served on all other parties interested, or on their solicitors, seven clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice;
- (c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of a complaint in the Court;
- (d) On the hearing of the application, the Court may, after making or directing such inquiries as to the dependants and on such evidence of title and identity as it thinks necessary, make such order under paragraph 5 of the First Schedule to the Ordinance and this regulation as it thinks fit;
- (e) The provisions of the Ordinance and these Regulations as to the costs of an arbitration shall apply to any such application.

(10.) Where any sum paid or to be paid into Court is to be invested, applied, or otherwise dealt with by the Court, the Court may, at any time before or on the hearing of any application for the investment or application thereof, refer the matter to the Clerk for inquiry and report.

(11.) An employer paying money into Court under this regulation shall not be liable to any costs incurred by any person interested in the money after the receipt of notice of the payment, but the Court may, in its discretion, order the employer to pay the costs of any such person properly incurred before the receipt of the notice.

(12.) Every order for the investment or application of money paid into Court shall reserve liberty to the parties interested to apply to the Court as they may be advised.

(13.) Where any sum allotted to any person under paragraph 5 of the First Schedule to the Ordinance or this regulation is ordered to be paid out to or applied for the benefit of the person entitled thereto by weekly or other periodical payments, the payments may be made to the person entitled to receive them either at the office of the Clerk, or, on the written request of such person, by crossed cheque, money order, or postal notes addressed to such person and forwarded by registered post, payment by post being in all cases at the cost and risk of the person requesting payment in that manner.

Payment into Court in case of death where liability admitted, but amount not determined.

50.—(1.) If, in the case of death, there is no dispute as to the liability to pay compensation but the amount payable has not been ascertained or decided by arbitration, or by agreement, the employer may pay into Court the amount which he admits to be payable as compensation.

(2.) Where money is to be paid into Court under this regulation, the employer shall lodge with the Clerk a praecipe in duplicate in accordance with Form 42, containing a statement of the particulars mentioned in that form, and stating in what manner the sum admitted

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to be payable as compensation has been arrived at. The Clerk, on receipt of the sum paid in, shall give a receipt therefor according to the directions on Form 42; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(3.) On the payment of money into Court under this regulation, the Clerk shall make such enquiries and obtain such information as he thinks necessary to satisfy himself whether the amount paid in is adequate in the circumstances of the case; and it shall be the duty of the employer and of the persons interested in the money paid in to answer such inquiries and give such information accordingly.

(4.) Where it appears to the Clerk that the amount paid in is adequate, he shall forthwith send by post to each of the persons appearing by the praecipe to be interested in the money a notice of the payment in accordance with Form 45:

Provided that, in the case of infant dependants residing with their mother or guardian, it shall be sufficient to send the notice to the mother or guardian only.

(5.) Where it appears to the Clerk that the amount paid in is inadequate, he shall report to the Court in writing, stating the information he has obtained and the grounds on which it appears to him that the amount paid in is inadequate.

(6.) If on consideration of the report of the Clerk it appears to the Court that the amount paid in is adequate, it may direct the Clerk to send to the parties interested notice of payment in accordance with sub-regulation (4.) of this regulation.

(7.) If on consideration of the report of the Clerk it appears to the Court that further inquiry should be made, the Clerk shall, subject to any direction of the Court, give seven clear days' notice to the employer and to the parties appearing by the praecipe to be interested in the money paid into Court, in accordance with Form 44, informing them that he has referred the matter to the Court, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the Court. Upon such inquiry, the Court may make such order (including an order as to the money paid into Court) as under the circumstances it thinks just, and sub-regulations (6.), (7.), and (9.) of regulation 44 of these Regulations shall apply.

(8.) Where notice of payment into Court is sent in accordance with sub-regulation (4.) or (6.) of this regulation, then—

(a) if any question arises as to the adequacy of the amount paid into Court, the question as to the amount payable as compensation, and all questions as to who are dependants and the amount payable to each dependant, shall be settled by arbitration in accordance with the Ordinance and these Regulations; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the Court for the benefit of the person entitled thereto in accordance with paragraph 5 of the First

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Schedule to the Ordinance and sub-regulations (8.), (9.), (10.), (12.), and (13.) of the last preceding regulation; or

- (b) if no question arises as to the adequacy of the amount paid into Court, the amount paid into Court shall be allotted, invested, applied, or otherwise dealt with by the Court in accordance with sub-regulations (7.) to (10.) (both inclusive), (12.), and (13.) of the last preceding regulation.

(9.) An employer paying money into Court under this regulation shall not (except under sub-regulation (9.) of regulation 44 of these Regulations, or where a question arises as to the adequacy of the amount paid in, and the question is decided adversely to the employer by arbitration under sub-regulation (8.) of this regulation), be liable to any costs incurred by any person interested in the money after receipt of notice of payment into Court; but the Court may, in its discretion, order the employer to pay the costs of any such person properly incurred before the receipt of the notice.

Payment into Court in case of death where liability denied.

51.—(1.) Where, in the case of death, a claim for compensation has been made by or on behalf of dependants, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the dependants as are not under disability agree to accept that amount in settlement, the employer may pay the amount into Court.

(2.) Where money is to be paid into Court under this regulation, the employer shall lodge with the Clerk a praecipe (in duplicate) in accordance with Form 43, containing a statement of the particulars mentioned in that form. The Clerk on receipt of the sum paid in shall give a receipt therefor in accordance with the directions on Form 43; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(3.) On the payment of money into Court under this regulation, the Clerk shall proceed according to sub-regulation (3.) of the last preceding regulation, and the provisions of that regulation shall apply to proceedings subsequent to the payment.

Payment into Court by solicitor or agent of employer.

52. Where money is to be paid into Court under regulation 49, 50, or 51 of these Regulations, it may be paid in by the employer or his solicitor, or by an agent of the employer duly authorized on his behalf; and where payment is made by a solicitor or an agent, the praecipe shall state that the money is paid in at the request and by the authority of the employer, and the praecipe shall be signed by the solicitor or agent accordingly.

Application for payment into Court of weekly payment to person under legal disability.

53.—(1.) An application under paragraph 6 of the First Schedule to the Ordinance for an order that a weekly payment under the Ordinance to a person under any legal disability shall during the disability be paid into Court, may be made either by the person liable to make the payment or by or on behalf of the person entitled to the payment.

(2.) If the weekly payment is awarded by the Court, the application may be made at or immediately after the hearing of the arbitration.

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(3.) In any other case the application may be made to the Court on notice in accordance with Form 46, which shall be served on the other party or his solicitor seven clear days at least before the hearing of the application, unless the Court or the Clerk gives leave for shorter notice; and the provisions of regulation 43 of these Regulations shall apply to any such application.

(4.) Where any weekly payment is ordered to be paid into Court, the sum paid in shall be paid out by the Clerk to or otherwise applied for the benefit of the person entitled thereto in such manner as the Court directs; and the provisions of regulation 49 of these Regulations as to the payment out or application of sums by weekly or other periodical payments shall apply.

54.—(1.) An application for the variation of an order of the Court under paragraph 8 of the First Schedule to the Ordinance may be made by or on behalf of any person interested.

Application for variation of order as to apportionment among dependants, &c.

(2.) The application shall be made to the Court in accordance with Form 47, stating the circumstances under which the application is made, and the relief or order which the applicant claims.

(3.) The notice shall be filed with the Clerk, and notice thereof shall be served on all persons interested in accordance with regulation 43 of these Regulations, and the provisions of that regulation and of regulation 49 of these Regulations shall apply to the proceedings on such application.

55.—(1.) The provisions of this regulation shall apply in the case of the death of a dependant for whose benefit any amount has been ordered to be invested, applied, or otherwise dealt with by the Court.

Application of amount allotted to dependant in case of death.

(2.) The balance of the amount remaining at the death of the dependant shall be subject to any order which may have been or may be made by the Court for the variation of the order or award pursuant to paragraph 8 of the First Schedule to the Ordinance, and to the last preceding regulation.

(3.) In default of and subject to any such order, the Court may, on application made and served in accordance with sub-regulations (2.) and (3.) of the last preceding regulation, order that the balance be paid out or transferred to the legal personal representative of the deceased dependant.

56. Where pursuant to paragraph 12 of the First Schedule to the Ordinance a lump sum payable for the redemption of any weekly payment is ordered by the Court, to be invested or otherwise applied for the benefit of the person entitled thereto, that sum shall be paid into the Court; and the provisions of paragraph 5 of the First Schedule to the Ordinance and of regulation 49 of these Regulations shall apply to the investment and application of that lump sum.

Investment and application of sums paid in redemption of weekly payments.

57.—(1.) The provisions of this regulation shall apply in any case where a worker receiving a weekly payment intends to terminate his residence in the Territory.

Worker receiving weekly payment ceasing to reside in Territory.

(2.) The worker may apply to the Clerk to refer to a medical referee the questions whether the incapacity of the worker resulting from the injury is likely to be of a permanent nature or whether the absence of the worker from the Territory is desirable for recuperative purposes.

COMPENSATION—

(3.) The application shall be made on notice in accordance with Form 48, which shall be filed with the Clerk, and shall be accompanied by a report of a medical practitioner selected by the worker, setting out the nature of the incapacity alleged to be the result of the injury; and a copy of the application and of the report shall be served on the employer or his solicitor in accordance with regulation 43 of these Regulations, and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(4.) The employer may, on being served with notice of the application, require the worker to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with paragraph 9 of the First Schedule to the Ordinance; and, if the employer requires the worker to submit himself for the examination, he shall before or at the hearing of the application furnish the worker with a copy of the report of the medical practitioner as to the worker's condition, and file a copy of the report for the use of the medical referee.

(5.) The worker and the employer respectively may before or at the hearing of the application submit to the Clerk such statements in writing as they think fit, with copies of the statements for the use of the medical referee.

(6.) On the hearing of the application, the Clerk, on being satisfied that the applicant has a *bona fide* intention of terminating his residence in the Territory, shall make an order in accordance with Form 49 referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the Court, which may make such order or give such directions as it thinks fit.

(7.) Where the Clerk or the Court makes an order referring the question to a medical referee, the Clerk shall issue an order in accordance with Form 50 directing the worker to submit himself for examination by the medical referee and the provisions of sub-regulations (3.) to (6.), both inclusive, of regulation 70 of these Regulations shall, with the necessary modifications, apply.

(8.) The Clerk shall with the order of reference forward to the medical referee copies of any statement submitted to him by either party.

(9.) The medical referee shall forward his certificate in the matter, in accordance with Form 51, to the Clerk by registered post, specifying therein the nature of the incapacity of the worker resulting from the injury, and whether such incapacity is likely to be of a permanent nature or whether the absence of the worker from the Territory is desirable for recuperative purposes, and the Clerk shall thereupon proceed in accordance with sub-regulation (9.) of regulation 70 of these Regulations.

(10.) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature or that the absence of the worker from the Territory is desirable for recuperative purposes, the Clerk shall, on application, furnish the worker with—

(a) a copy of the certificate of the medical referee, certified by the Clerk in his own handwriting to be a true copy;

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- (b) a copy of the award or memorandum under which the weekly payment is payable, certified by the Clerk to be a true copy;
- (c) a certificate of identity in accordance with Form 52; and
- (d) a notice in accordance with Form 53, annexing thereto forms of certificate and declaration in accordance with Forms 54 and 55 respectively,

and shall procure from the worker a specimen of his signature and file it for reference.

(11.) A worker who desires to have the weekly payments payable to him transmitted to him while residing out of the Territory shall, at intervals of three months from the date to which the payments were last made, submit himself for examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding sub-regulation, and shall obtain from him a certificate in accordance with Form 54 that the incapacity of the worker resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the worker, before a person having authority to administer an oath.

(12.) The worker shall also make a declaration of identity in accordance with Form 55 before a person having authority to administer an oath, producing to that person the copy and certificate of identity mentioned in the last preceding sub-regulation, and the certificate of the medical practitioner by whom he has been examined.

(13.) The worker shall forward the certificate of the medical practitioner and declaration mentioned in the last two preceding sub-regulations to the Clerk, with a request, in accordance with Form 56, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be transmitted, which request shall be signed by the worker in his own handwriting.

(14.) On receipt of the certificate, declaration, and request, the Clerk shall examine them, and may, if not satisfied that they are in order, return them for correction.

(15.) If and when the Clerk is satisfied that the certificate, declaration, and request are in order, he shall send to the employer a notice in accordance with Form 57 requesting him to forward the amount due; and the employer shall thereupon forward the amount to the Clerk, who shall transmit, at the cost and risk of the worker, the amount, less any Court fees payable to the Clerk and the costs of transmission, to the worker at the address and in the manner requested by him.

58.—(1.) In the event of the death of a worker in receipt of weekly payments while residing out of the Territory, his representative shall, for the purpose of obtaining payment of the arrears due to the worker, forward to the Clerk a certificate of the death of the worker, and documents showing that they are entitled to the arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of the arrears, specifying the place where and the manner in which the arrears are to be transmitted to them.

Payment of
arrears of
weekly
payments on
death of
worker residing
out of
Territory.

COMPENSATION—

- (2.) For the purposes of this regulation “representatives” means—
(a) if the worker leaves a will, the executors of the will; or
(b) if the worker dies intestate, the persons who are according to law entitled to his personal estate, and payment of the arrears may be made to those persons without the production of letters of administration.

(3.) On the receipt of the certificate and documents mentioned in this regulation, the Clerk shall examine them, and may, if not satisfied that they are in order, return them for correction.

(4.) If and when the Clerk is satisfied that the certificate and documents are in order, he shall send to the employer a notice requesting him to forward the amount of the arrears due, and the employer shall thereupon forward the amount to the Clerk, who shall transmit, at the cost and risk of the representatives of the worker, the amount, less any Court fees payable to the Clerk and the costs of transmission, to those representatives at the address and in the manner requested by them.

PART IV.—COSTS AND FEES.

Costs.

59.—(1.) In any proceedings in a Court, in which a solicitor is employed by any party to proceedings under the Ordinance, the costs incurred by any party to such proceedings in employing a solicitor to be included in the costs to be paid to that party by another party, shall not exceed the sums respectively specified in the Second Schedule to these Regulations:

Provided that where, in any such proceedings, difficult questions of fact or law arise, the Court may, subject to such conditions, whether as to taxation or otherwise, as it thinks fit, allow costs in excess of the sums so specified.

(2.) Where the subject-matter of an arbitration is not a capital sum, the Court shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject-matter of the arbitration.

(3.) Where proceedings are taken for which no provision is made by these Regulations, the Court may in respect of such proceedings, allow reasonable costs not exceeding those which may under the Second Schedule to these Regulations be allowed in respect of proceedings of a like nature.

(4.) The Court may, in dealing with the question of costs, take into consideration any offer of compensation proved to have been made on behalf of the employer.

(5.) Where any worker is examined by a medical referee on a reference under paragraph 10 of the First Schedule to the Ordinance, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the worker in obtaining the certificate (if not otherwise provided for) may, by order of the Court, be allowed as costs in the arbitration.

(6.) Where a worker is ordered to submit himself for examination by a medical referee appointed to report under paragraph 12 of the Second Schedule to the Ordinance, any reasonable expenses incurred by the worker in travelling to attend on the referee for examination may, by order of the Court, be allowed as costs in the arbitration.

Workers' Compensation Regulations.

(7.) Except as otherwise provided, all costs referred to in this regulation shall be taxed in the prescribed manner.

60. The provisions of the law governing the allowance and taxation of costs in an action in the Supreme Court shall, as far as applicable, apply to the allowance and taxation of costs under these Regulations. Taxation of costs.

61.—(1.) An application to the Registrar of the Supreme Court to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the Registrar of the Supreme Court gives leave for shorter notice. Review of taxation.

(2.) The application shall be heard and determined upon the evidence which has been brought in before the District Court, and no further evidence shall be received on the hearing thereof unless the Registrar of the Supreme Court otherwise directs.

(3.) The costs of and incidental to the application shall be at the discretion of the Court.

(4.) The result of the review shall be entered in the special register.

62. Where any party to whom costs are awarded acts by a solicitor, the solicitor shall have the same authority to take out or receive any sum paid into Court or payable in respect of the costs by the party against whom the costs are awarded as he would have if the costs were awarded in a complaint in the Court. Authority of solicitor to receive sum paid in respect of costs.

63.—(1.) The following provisions shall apply to an application under paragraph 11 of the Second Schedule to the Ordinance for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Ordinance. Application to determine costs payable to solicitor or agent.

(2.) Where the sum awarded as compensation has been awarded by the Court, the application may be made—

(a) to the Court at or immediately after the hearing of the arbitration; or

(b) at a subsequent date.

(3.) Where a sum has been agreed upon as compensation, the application shall be made to the Court.

(4.) An application made to the Court other than an application under paragraph (a) of sub-regulation (2.) of this regulation, shall be made to the Court on notice in writing in accordance with regulation 43 of these Regulations.

(5.) The notice shall be in accordance with Form 58 and shall be served, in accordance with regulation 43 of these Regulations, on the person for whom the solicitor or agent acted, and the provisions of that regulation shall apply to the proceedings on the application.

(6.) On the hearing of the application, the Court may award costs to the solicitor or agent, and may make an order declaring the solicitor or agent to be entitled to recover the costs from the person for whom he acted, or to be entitled to a lien for the costs on any sum awarded or agreed as compensation to such person, or to be entitled to deduct the costs from any such sum, or may make such order or give such directions as may be just.

COMPENSATION—

(7.) Any costs awarded to a solicitor or agent on any such application shall not exceed the limits specified in the Second Schedule to these Regulations, and shall be taxed by the Clerk in the prescribed manner and that taxation may be reviewed by the Court in accordance with regulation 61 of these Regulations:

Provided that where, in any case, difficult questions of fact or law arise, the Court may, subject to such conditions as to taxation or otherwise as it thinks fit, award costs in excess of the limit so specified.

(8.) Where the subject-matter of the arbitration is not a capital sum, the Court shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject-matter of the arbitration; and in default of such determination, the amount shall be fixed by the Clerk, subject to review by the Court.

Provisions as to
order declaring
lien, &c.

64. Where an order is made by the Court awarding costs to a solicitor or agent, and declaring the solicitor or agent to be entitled to recover the costs from the person for whom he acted, or to be entitled to a lien for the costs on any sum awarded or agreed as compensation, or to be entitled to deduct the costs from any such sum, the following provisions shall apply:—

- (a) The Clerk shall, on application made to him, tax the costs;
- (b) A copy of the order and, when the amount to which the solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount shall, at the request and cost of the solicitor or agent, be issued by the Clerk for service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on that party in accordance with regulation 20 of these Regulations;
- (c) A memorandum of the order and, when such amount has been ascertained, a memorandum of the amount shall be recorded in the special register in which the memorandum or award under which the sum awarded or agreed as compensation is payable is recorded, and such last-mentioned memorandum or award shall have effect subject to such order and memorandum;
- (d) The party liable to pay compensation shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay compensation;
- (e) If the party liable to pay compensation fails on demand to pay any amount which he is liable to pay to the solicitor or agent, the Court may, on application made to it on notice to such party in accordance with regulation 43 of these Regulations, and on proof of the order having been served on and demand for payment made to such party, order that party to pay such amount; and in default of payment the Court may order execution to issue, in accordance with these Regulations, to levy the amount;

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- (f) Payment made by or execution levied on the party liable to pay compensation shall be a valid discharge to him, as against the party entitled to compensation, to the amount paid or levied;
- (g) Where the sum awarded as compensation has been paid into Court, the amount to which the solicitor or agent is entitled shall be paid to him out of that sum.

65. The fees specified in the Third Schedule to these Regulations shall be paid in respect of the several matters as specified in that Schedule and those fees shall, subject to paragraph 10 of the Second Schedule to the Ordinance, be paid in the first instance by the party in whose behalf the proceedings are taken. Court fees.

66. The fees specified in the Fourth Schedule to these Regulations shall be paid, subject to paragraph 10 of the Second Schedule to the Ordinance, in respect of the several matters as specified in such first-mentioned Schedule. Balliffs' fees.

67.—(1.) The fees and mileage which may be allowed for the attendance of witnesses to give evidence in any arbitration proceedings shall be such amounts, not exceeding those specified in the Fifth Schedule to these Regulations, as the Court allows. Witnesses' fees and expenses.

(2.) The Court may order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending the hearing such just and reasonable charges and expenses (in addition to travelling expenses to attend the hearing) as appear to the Court to have been properly incurred in procuring evidence and the attendance of those witnesses; and in like cases the Court may, subject to the provisions of the next succeeding sub-regulation, order that the just and reasonable charges and expenses of preparing and proving plans, drawings, models, or the like, shall be allowed.

(3.) Any person who prepares plans, drawings, models, or the like for the purpose of illustration, and who if called at the hearing proves the correctness of the plans, drawings, models, or the like only, shall not be entitled to allowances as an expert or scientific witness but shall be allowed for his attendance upon the scale applicable to ordinary witnesses; and there may be also allowed for the preparation of the plans, drawings, models, or the like and all tracings and copies thereof the sum reasonably paid for them.

PART V.—APPEALS AND QUESTIONS OF LAW.

68.—(1.) Where the Court is satisfied—

- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the Court, has been obtained by fraud or other improper means, or should be set aside or varied for any other sufficient reason; or
- (b) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Ordinance; or

When award or order may be set aside or varied.

COMPENSATION—

(c) that any person who is in fact a dependant as defined by the Ordinance has been omitted from any award or order, the Court may set aside or vary the award or order, and may make such order including an order as to any sum already paid under the award or order as under the circumstances it thinks just.

(2.) An application to set aside or vary an award or order under this regulation shall be made to the Court on notice in writing, and the provisions of regulation 43 of these Regulations shall apply to the proceedings on such application.

(3.) An application to set aside or vary an award or order under this regulation shall not be made after the expiration of six months from the date of the award or order, except by leave of the Court; and such leave shall not be granted unless the Court is satisfied that the failure to make the application within such period was occasioned by mistake, absence from the Territory, or other reasonable cause.

Submission of
question of law
by Court.
Inserted by
1941, No. 9,
r. 1.

68A. Where a Court submits any question of law for the decision of the Supreme Court under paragraph 2 of the Second Schedule to the Ordinance, such submission shall be in the form of a special case in accordance with the provisions of the Rules of the Supreme Court relating thereto.

Appeals to
Supreme Court.

69.—(1.) Appeals under section 18 of the Ordinance shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto.

(2.) When the Supreme Court has given judgment on any appeal, any party may deposit the order of the Supreme Court, or a certified copy thereof, with the Clerk; and the Clerk shall file the order or copy, and the order shall have the same effect as if it has been a decision of the District Court.

(3.) If the order has the effect of an award, decision, or order in the matter in favour of any party, the order shall be recorded, and may be proceeded on, in the same manner as if it has been an award, decision, or order of the District Court.

(4.) If the Order is to the effect that an award be made or a decision given or order made in favour of any party, the District Court shall make such award or give such decision or make such order accordingly.

PART VI.—MEDICAL REFEREES.

Application for
reference to a
medical referee.

70.—(1.) The provisions of this regulation shall apply with respect to applications to the Clerk pursuant to paragraph 10 of the First Schedule to the Ordinance to refer any matter to a medical referee.

(2.) An application to the Clerk to refer any matter to a medical referee shall be made in writing in accordance with Form 59, and shall contain a statement of the facts which render the application necessary, and shall be accompanied by a copy of the report of every medical practitioner who has examined the worker either on behalf of the employer or on the selection of the worker.

(3.) The application shall be signed by or on behalf of both parties; and the applicant shall file copies of the application and reports for the use of the medical referee.

Workers' Compensation Regulations.

(4.) On the hearing of the application, the Clerk may, on payment of the prescribed fee, refer the matter to a medical referee; and, if he refers the matter, shall forward to the medical referee by registered post one of the filed copies of the application and reports, with an order of reference in accordance with Form 60.

(5.) The Clerk may also make an order in accordance with Form 61 directing the worker to submit himself for examination by the medical referee, subject to and in accordance with any regulations made in pursuance of the Ordinance.

(6.) Before making an order in accordance with Form 61, the Clerk shall inquire whether the worker is in a fit condition to travel for the purpose of examination, and, if satisfied that he is in a fit condition, shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel shall so state in the order of reference; and it shall be the duty of the worker, on being served with the order, to submit himself for examination accordingly.

(7.) The Clerk shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the worker a copy of the order directing him to submit himself for examination.

(8.) The medical referee shall forward to the Clerk by registered post a certificate in accordance with Form 62.

(9.) On the receipt of the certificate of the medical referee, the Clerk shall inform the parties by post in accordance with Form 63 that it has been received, and shall permit any party to inspect the certificate during office hours, and shall, on the application and at the cost of either party, furnish him with a copy of the certificate, or allow him to take a copy thereof.

(10.) The fee payable by the applicant shall be calculated at the rate of one shilling in the pound on twenty-six times the amount of the weekly payments claimed by or payable to the worker, so that the total fee shall not exceed One pound.

(11.) The costs of any application to the Clerk, including the fee paid under the last preceding sub-regulation, may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the worker, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of that weekly payment.

71.—(1.) Any party to an arbitration may, seven clear days at least before the day fixed for proceeding with the arbitration, file with the Clerk an application in accordance with Form 64, requesting the Court to summon a medical referee to sit with the Court as an assessor under paragraph 4 of the Second Schedule to the Ordinance.

Application for assessors.

(2.) On the receipt of an application for an assessor, the Clerk shall submit the application to the Court, which, if it thinks fit, shall return the application with its approval, and thereupon the Clerk shall forthwith summon a medical referee as an assessor.

(3.) If the Court does not think fit that an assessor shall be summoned, notice thereof shall be given by the Clerk to the applicant, in accordance with Form 65.

COMPENSATION—

(4.) If the Court thinks fit, either on the application of any party to an arbitration, or of its own motion, to summon a medical referee to sit with the Court as an assessor, the Clerk shall forthwith summon a medical referee by delivering to him or sending by post a summons, in accordance with Form 66.

(5.) If, at the time and place appointed for the arbitration, the medical referee summoned does not attend, the Court may either proceed with the arbitration without the assistance of an assessor, or may adjourn the hearing.

Submission to
medical referee.

72.—(1.) Subject to these Regulations, the Court may submit to a medical referee for report any matter which seems material to any question arising in an arbitration.

(2.) When any such matter is so submitted, the Court may, subject to and in accordance with these Regulations, order the injured worker to submit himself for examination by the medical referee, and on being served with the order, the worker shall submit himself for examination accordingly.

Summoning of
and references
to medical
referees.

73.—(1.) Where a medical referee is summoned as an assessor, or any matter is referred or submitted to a medical referee, the medical referee to be summoned or to whom the matter is to be referred or submitted shall in the absence of special circumstances be one of those appointed for the purposes of the Ordinance:

Provided that where a medical referee has been specially appointed for the purpose of dealing with any specified case or class of cases, then in any such case the Clerk shall summon, or the matter shall be referred or submitted to, the medical referee so appointed:

Provided further that where a medical referee has been previously summoned as an assessor, or there has been a previous reference or submission in any case, any subsequent summons, reference, or submission in the same case shall, if possible, be sent or made to the same referee, and shall in any case be accompanied by the previous report or certificate (if any) of the medical referee, or by a copy thereof.

(2.) Where a medical referee is summoned as an assessor, or any matter is referred or submitted to a medical referee, the referee shall be summoned or the matter shall be referred or submitted subject to and in accordance with these Regulations.

PART VII.—MISCELLANEOUS.

Frequency of
medical
examination.

74. After the expiration of one month from the first payment of compensation, a worker shall not, in any case, be required to submit himself for medical examination pursuant to paragraph 9 of the First Schedule to the Ordinance except at reasonable hours—

- (a) once a week during the second month;
- (b) once a month during the third, fourth, fifth, and sixth months; and
- (c) thereafter, once every two months.

Workers' Compensation Regulations.

75.—(1.) A party to any arbitration under the Ordinance may appear— Appearance of parties.

(a) as of right—

- (i) in person; or
- (ii) by solicitor; or

(b) by leave of the Court—

- (i) by a member of his family;
- (ii) by a person in the permanent and exclusive employment of the party;
- (iii) in the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation;
- (iv) by any officer or member of any society or other body of persons of which such party is a member or with which he is connected, or, where death results from the injury, by any officer or member of any society, or other body of persons of which the deceased worker was a member or with which he was connected; or
- (v) under special circumstances, by any other person.

(2.) Any person mentioned in this regulation, who appears by leave of the Court, on behalf of a party to any proceeding before the Court, shall file with the Clerk a written authority, from such party, in accordance with Form 67.

(3.) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Ordinance shall be entitled to have or recover any fee or reward for so appearing or acting, other than such travelling expenses and (in the case of a worker or a member of his family) allowance for time (if any) as may be allowed by the Court.

76. At the hearing of any arbitration or special case the Court shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of its decision thereon, and of its decision in the arbitration or on the hearing of the case; and the Court shall, at the expense of any party to the arbitration or case, furnish a copy of the note so taken to, or allow a copy of it to be taken by or on behalf of, such party, and shall sign such copy, whether a notice of appeal has been served or not. Note to be taken of question of law raised, &c., and copy furnished.

77. Every matter brought into the Court under the Ordinance shall, unless the contrary intention appears in any form in the First Schedule to these Regulations, be intitled in the manner following:— Citation of matters.

Territory of New Guinea.

District Court to wit—

No. of matter

, of 19

In the matter of the *Workers' Compensation Ordinances* 1941.

In the matter of

Between

COMPENSATION—

and shall be distinguished by a separate number according to the year and order in which it is filed, and all documents filed and subsequent proceedings taken in the Court with reference to the matter shall be intitled in like manner, and shall be distinguished by the same number.

Filing and
service of
documents
and notices.

78.—(1.) Where any document is to be filed with the Clerk under these Regulations, that document shall be so filed by delivering it at the office of the Clerk.

(2.) All documents and copies shall be legibly written on foolscap, on one side only, with a quarter margin, folded lengthwise, and indorsed with the number, matter, and a short statement of the nature of the contents.

(3.) Where any document is to be filed, there shall be filed with the original document as many copies of the document as there are persons to whom copies of the document or any part thereof are to be sent by the Clerk, and in addition a copy for the use of the Court.

(4.) Where any document is under these Regulations to be sent to any person by the Clerk, that document may be sent by post.

(5.) Any proceeding, document, or notice which is under these Regulations to be served on any party may be served on such party by the opposite party or his solicitor; and where no special provision as to the mode or service is made by these Regulations, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by sub-sections (3.) and (4.) of section 8 of the Ordinance with reference to service of notice in respect of an injury; and the provisions, for the time being in force, of sections 52 and 52A of the *District Courts Ordinance 1924-1938* shall apply to the service of any such proceeding, document, or notice, as if it were a summons.

Procedure
where parties
act by
solicitors and
substituted
service and
notice in lieu
of service.

79. The following provisions shall apply to the case of parties acting by solicitors, and as to substituted service and notice in lieu of service:—

- (a) When a party acts by a solicitor, service of any order, or any notice relating to any such order when directed to be served, may be made by or upon the solicitor, as the case may be;
- (b) Where by these Regulations any act may be done by any party, the act may be done either in person or by his solicitor or, where it can legally be done by an agent, by an agent;
- (c) Where a party acts by a solicitor, any document, notice, or proceeding, required to be served by or upon the party, may be served by or upon the solicitor, except in cases where by these Regulations personal service upon a party is required; and service of the document, notice, or proceeding upon the solicitor, or delivery of it at his office or sending it to him by post, prepaid, shall be deemed to be good service upon the party for whom the solicitor acts, as upon the day when it is so served or delivered, or upon which, in the ordinary course of post, it would be delivered;

Workers' Compensation Regulations.

- (d) A solicitor acting for a party in any matter may give notice in writing by post or otherwise to the Clerk and to the other party, or his solicitor, that he is so acting, whereupon service of any document, notice, or proceeding whatsoever authorized by these Regulations to be served by or upon a solicitor so acting shall be made by or upon the solicitor accordingly, and he shall be deemed to be the solicitor acting for the party on whose behalf he has given the notice, until notice of change of solicitor has been duly given;
- (e) Where a solicitor undertakes the service of any process, he shall make the necessary copies of each process, and the Clerk shall initial them and return them to the solicitor for service;
- (f) Any party who acts by a solicitor may change his solicitor without any order for that purpose, but when any change is made he shall give forty-eight hours' notice in writing to the Clerk and to the other parties to the proceedings or the solicitors (if any) acting for them of the change and of the name or firm and place of business of the new solicitor, and the Clerk shall file the notice given to him; but until the notice is so filed and a copy thereof served, the former solicitor shall be deemed to be the solicitor of the party.

80. Regulations 12 and 75 of these Regulations shall apply to all proceedings under the Ordinance and these Regulations in the like manner as to proceedings by way of arbitration.

Regulations 12 and 75 to apply to all proceedings.

81. Where any matter or thing is not specially provided for under these Regulations, the same procedure shall be followed and the same provision shall apply, as far as practicable, as in a similar matter or thing under the provisions, for the time being in force, of the *District Courts Ordinance 1924-1938* and the Rules thereunder, in so far as such procedure and provisions are applicable to proceedings by way of arbitration.

Procedure where no special provision made.

82. Unless otherwise prescribed, all applications under these Regulations shall, as far as practicable, be in writing.

Applications to be in writing.

83.—(1.) Proceedings under the Ordinance before the Court shall be recorded in the books of the Court in the manner in which other proceedings in the Court are recorded.

Records of proceedings and the special register.

(2.) The Clerk shall also keep, in accordance with Form 68, a special register for the purposes of the Ordinance, in which he shall record—

- (1) a memorandum of every application made to the Court for settlement of any matter by arbitration;
- (2) a memorandum of every proceeding taken in any arbitration before the Court prior to the award;
- (3) a memorandum of every appointment of a medical referee by the Court, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;

COMPENSATION—

- (4) a memorandum of every award made by the Court;
- (5) a memorandum of every judgment given by the Supreme Court on any appeal;
- (6) a copy of every memorandum sent to the Clerk pursuant to paragraph 7 of the Second Schedule to the Ordinance, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the Court;
- (7) if such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
- (8) if such memorandum is recorded by order of the Court, a memorandum of the application to the Court, and of the order made thereon;
- (9) if, in the case of a memorandum of an agreement, the Clerk refers the matter to the Court, a memorandum of such reference, and of the directions of the Court, and the subsequent proceedings and order thereon;
- (10) a memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
- (11) a memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon;
- (12) a memorandum of every application to the Court, under paragraph 11 of the Second Schedule to the Ordinance, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon;
- (13) a memorandum of every proceeding taken in the Court for the enforcement of any award, order, or memorandum, and of the result of such proceeding;
- (14) a memorandum of every application to refer a matter to a medical referee pursuant to paragraph 10 of the First Schedule to the Ordinance, and of the order and subsequent proceedings thereon;
- (15) a memorandum of every application to the Court for the suspension of the right to compensation or to take or prosecute any proceedings under the Ordinance in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
- (16) a memorandum of every sum paid into Court pursuant to paragraph 5 of the First Schedule to the Ordinance, or under any award or memorandum;
- (17) a memorandum of every application made to the Court with reference to any such sum, and of every order made on the application, and of the manner in which the sum is invested, applied, or disposed of;

Workers' Compensation Regulations.

- (18) a memorandum of every application for the payment of any weekly payment into Court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment;
- (19) a memorandum of every application for variation of an order of the Court as to how any sum paid as compensation shall be apportioned, invested, or applied, and of the proceedings and order thereon;
- (20) a memorandum of every application to refer a matter to a medical referee pursuant to paragraph 13 of the First Schedule to the Ordinance in the case of a worker intending to terminate his residence in the Territory, and of the order and the proceedings thereon; and of every certificate and declaration of identity and request for payment received from the worker, and of the proceedings thereon;
- (21) a memorandum of every application to set aside or vary an award or order under regulation 68 of these Regulations, and of the proceedings and order thereon;
- (22) a memorandum of every certified copy of an award or order given pursuant to regulation 33 of these Regulations;
- (23) a memorandum of any other matter which the Court orders to be recorded with reference to any matter brought into or proceeding taken in the Court under the Ordinance.

(3.) Entries made in the special register with respect to a matter brought into the Court under the Ordinance and subsequent proceedings in the Court in relation thereto shall be entered together and shall be kept separate from the entries with respect to any other matter.

84. The fees payable to a medical practitioner or a medical referee shall be as follows:—

Fees* of medical referee.

	£	s.	d.
For a first examination	2	2	0
For any subsequent examination .. .	1	1	0

85.—(1.) Every insurer approved by the Administrator for the purposes of the Ordinance shall, not later than the thirty-first day of July in each year, furnish to the Crown Law Officer a return, in accordance with Form 69 in respect of the year ending on the preceding thirtieth day of June.

Returns by approved insurers.

(2.) Every insurer who fails to comply with the last preceding sub-regulation or who furnishes a return which is false in any particular shall be guilty of an offence.

Penalty: Fifty pounds.

86. Declarations under these Regulations may be made before any of the following persons:—

Declarations.

A justice of the peace, a patrol officer, a solicitor, a member of the European Constabulary, a duly qualified medical practitioner, a notary public, a commissioner for affidavits, a minister of religion, or a member of the Legislative Council.

COMPENSATION—

THE FIRST SCHEDULE.

Reg. 6.

FORM 1.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

CLAIM FOR COMPENSATION BY INCAPACITATED WORKER.

To (a)

I [here write full name] of [here write full postal address] hereby claim compensation under the *Workers' Compensation Ordinances 1941* in respect of personal injury sustained by me and arising out of and in the course of my employment and declare that, to the best of my knowledge and belief, the following replies to the questions and requests for information are true and correct in every particular:—

Questions and Requests for Information.	Replies.
<p>In what capacity were you employed at the time of your injury? .. State the nature of your injury; also how, when, and where it was caused .. If you are claiming in respect of incapacity arising from an industrial disease:— (a) What is the nature of the disease? (b) When was it caused? (c) When were you first incapacitated by such disease? .. (d) What was the nature of your employment and for what period were you engaged thereon? (e) If you have previously suffered from such disease state:— (i) The approximate date on which it first manifested itself (ii) The extent to which it interfered with your employment Was notice of the accident or incapacity served? If so, on whom, and on what date? Have you engaged in any employment since the date of your injury or incapacity? If so, give full particulars If this claim is made more than six months after the occurrence of the accident or incapacity, give reasons for failure to make the claim within that period Have you a claim against any person, firm, or company for compensation, or for any payment in respect of the injury under any other law in force in the Territory or any other place?</p>	

If you have any living children under the age of fifteen years, give particulars:—

Full names of children.	Dates of birth.	Extent of dependence on employee at time of injury.

Before me (b)
(c)

Declared at _____ on the _____ day of _____, 19__

Signature of declarant

- (a) The claim should be addressed to the person, firm, or company in or by which the worker was employed at the time of the accident or incapacity.
 (b) The person before whom this declaration is made should sign here and add the title by which he takes the declaration, such as "Justice of the Peace", &c.
 (c) The declaration may be made before any of the following persons:—A justice of the peace, a solicitor, a patrol officer, a duly qualified medical practitioner, a notary public, a commissioner for affidavits, a minister of religion, or a member of the Legislative Council.

Workers' Compensation Regulations.

Reg. 7.

FORM 2.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

CLAIM FOR COMPENSATION BY DEPENDANT OF WORKER.

To (a)

I [here write full name] of [here write full postal address] hereby claim compensation under the *Workers' Compensation Ordinances 1941* for myself and the children named below in respect of the death of [here write full name of deceased employee] and declare that, to the best of my knowledge and belief, the following replies to the questions and requests for information are true and correct in every particular:—

Questions and Requests for Information.	Replies.
<p>In what capacity was the above-named worker employed at the time of his injury ?</p> <p>State the nature of such injury ; also how, when, and where it was caused</p> <p>If the death of the worker was caused by an industrial disease :—</p> <p style="padding-left: 20px;">(a) What was the nature of the disease ?</p> <p style="padding-left: 20px;">(b) When was it caused ?</p> <p style="padding-left: 20px;">(c) When was he first incapacitated by such disease ?</p> <p style="padding-left: 20px;">(d) What was the nature of his employment and for what period was he engaged thereon ?</p> <p style="padding-left: 20px;">(e) If he ever previously suffered from such disease, state:—</p> <p style="padding-left: 40px;">(i) The approximate date on which it first manifested itself</p> <p style="padding-left: 40px;">(ii) The extent to which it interfered with his employment</p> <p>Was notice of the accident or incapacity served ?</p> <p>If so, on whom and on what date ?</p> <p>What is your relationship to the deceased worker ?</p> <p>Were you dependent upon his earnings at the time of his death ?</p> <p>If so, state whether you were wholly dependent</p> <p>If you were only in part dependent, give full particulars</p> <p>Was any other person contributing towards your maintenance at the time of his death, or did you at that time have any other means of support ?</p> <p>If so, give full particulars</p> <p>Are you in receipt of any pension ?</p> <p>If so, give particulars</p> <p>Are you receiving or entitled to receive any payment under any law other than the <i>Workers' Compensation Ordinances 1941</i> in respect of the death of the aforesaid worker ?</p> <p>If so, give particulars</p> <p>Give the names, addresses, and relationships to the worker, of all other persons (except children) known to you, who were dependent upon his earnings at the time of his death</p> <p>If this claim is made more than six months after the accident or incapacity, give reasons for failure to make the claim within that period</p> <p>Have you a claim against any person, firm, or company for compensation, or for any payment in respect of the injury under any other law in force in the Territory or any other place ?</p>	

(a) The claim should be addressed to the person, firm, or company in or by which the worker was employed at the time of the accident.

COMPENSATION—

Full names of children of deceased worker.	Dates of birth.	State whether wholly dependent on earnings of worker at time of his death.	If not wholly dependent, give full particulars.

Declared at _____ on the _____ day of _____, 19__.

Signature of declarant
Before me (a)
(b)

(a) The person before whom this declaration is made should sign here and add the title by which he takes the declaration, such as "Justice of the Peace", etc.
(b) The declaration may be made before any of the following persons:—A justice of the peace, a solicitor, a patrol officer, a duly qualified medical practitioner, a notary public, a commissioner for affidavits, a minister of religion, or a member of the Legislative Council.

Reg. 14.

FORM 3.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ARBITRATION BY INJURED WORKER WITH RESPECT TO THE COMPENSATION PAYABLE TO HIM.

A.B. of [address] [description] Applicant,
and

C.D. of [address] [description] Respondent.

1. On the _____ day of _____, 19__, personal injury by accident arising out of and in the course of his employment was caused to A.B. a worker employed by C.D. [or by _____, a contractor with C.D. for the execution of work undertaken by him].

2. A question has [or Questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—
(a) as to whether the said A.B. is a worker to whom the above-mentioned Ordinance applies; or
(b) as to the liability of the said C.D. to pay compensation under the above-mentioned Ordinance in respect of the said injury; or
(c) as to the amount [or duration] of the compensation payable by the said C.D. to the said A.B. under the above-mentioned Ordinance in respect of the said injury. [or as the case may be.]

3. An arbitration under the above-mentioned Ordinance is hereby requested between the said A.B. and the said C.D. for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondent.
3. Nature of employment of applicant at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which worker was then engaged, and nature of accident and cause of injury.
5. Nature of injury.

COMPENSATION—

- (d) as to who are dependants of the said A.B. within the meaning of the above-mentioned Ordinance; or
- (e) as to the apportionment and application of the compensation payable by the said C.D. to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. , the legal personal representative of the said A.B. , acting on behalf of the dependants of the said A.B. , [or between E.F. , a dependant of the said A.B.] and the said C.D. , and G.H. , who claims or may be entitled to claim to be a dependant of the said A.B.

[or as the case may be; see regulation 9.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased worker.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident, and cause of injury.
5. Nature of injury to deceased, and date of death.
6. Earnings of deceased during the three years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the said employer.
7. Amount of weekly payments (if any) made to deceased under the Ordinance, and of any lump sum paid in redemption thereof.
8. Name and address of applicant for arbitration.
9. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
10. Particulars as to dependants of deceased by whom or on whose behalf the application is made giving their names and addresses and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.
11. Particulars as to persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).
12. Particulars of amount claimed as compensation and of the manner in which the applicant claims to have such amount apportioned and applied.
13. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]
14. If notice not served, reason for omission to serve it.

The names and addresses of the applicant and his solicitor or agent are:
 Of the applicant,
 Of his solicitor [or agent],

The names and addresses of the respondents to be served with this application are:

C.D. of
 G.H. of
 Dated at this day of , 19 .
 (Signed) Applicant.
 [Or, Applicant's Solicitor.]
 [Or, Agent.]

Workers' Compensation Regulations.

Reg. 14.

Form 5.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ARBITRATION AS TO WHO ARE DEPENDANTS, OR AS TO THE AMOUNT PAYABLE TO EACH DEPENDANT, WHERE THE TOTAL AMOUNT PAYABLE AS COMPENSATION TO THE DEPENDANTS OF A DECEASED WORKER HAS BEEN AGREED OR ASCERTAINED.

E.F. of [address] [description] Applicant,
and

C.D. of [address] [description]
and

G. H. of [address] [description]
and

J.K. of [address] [description]
and

L.M. of [address] [description] Respondents.

[or as the case may be; see regulation 10.]

1. On the day of , 19 , personal injury by accident arising out of and in the course of his employment was caused to A.B. , late of , deceased, a worker employed by C.D. [or by a contractor with C.D. for the execution of work undertaken by him] and on the day of , 19 , the death of the said A.B. resulted from the injury.

2. The amount of compensation payable by the said C.D. to the dependants of the said A.B. under the above-mentioned Ordinance, in respect of the injury caused to them by the death of the said A.B. has been agreed [or ascertained], but a question has [or questions have] arisen

[here state the questions, specifying only those which have arisen, e.g.]—

(a) as to who are dependants of the said A.B.

within the meaning of the above-mentioned Ordinance; or

(b) as to the apportionment and application of the compensation payable to the dependants of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. , the legal personal representative of the said A.B. , acting on behalf of N.O.

P.R. , etc., dependants of the said A.B. [or between E.F. , N.O. , P.R. , etc., dependants of the said A.B. , and G.H.

J.K. , and L.M. , who are or

claim or may be entitled to claim to be dependants of the said A.B.

[or as the case may be; see regulation 10.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased worker.

2. Name and place of business of employer by whom compensation has been paid or is payable.

3. Date of accident to deceased, and date of death.

4. Agreed or ascertained amount of compensation to be paid to dependants of deceased.

5. Particulars as to whether the compensation money is still payable by the employer or has been paid by him, and if so, to whom, and in whose hands it now is.

COMPENSATION—

6. Character in which the applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependent on the earnings of the deceased at the time of his death.

8. The like particulars as to any dependants who are made respondents.

[NOTE.—*If there is a legal personal representative, and he is not the applicant, he must be made a respondent; see regulation 10.*]

9. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, descriptions, and occupations (if any).

10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied.

The names and addresses of the applicant and his solicitor or agent are:

Of the applicant,
Of his solicitor [or agent].

The names and addresses of the respondents to be served with this application are:

C.D.
G.H.
J.K.
L.M.

Dated at _____ [or as the case may be.]
this _____ day of _____, 19 ____
(Signed) _____ Applicant.
[Or _____ Applicant's Solicitor.]
[Or _____ Agent.]

Reg. 14.

FORM 6.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ARBITRATION AS TO COMPENSATION PAYABLE IN RESPECT OF EXPENSES OF MEDICAL ATTENDANCE AND BURIAL, WHERE DECEASED WORKER LEAVES NO DEPENDANTS.

E.F. of [address] [description] Applicant,
and

C.D. of [address] [description]
and

G. H. of [address] [description] Respondents.

1. On the _____ day of _____, 19 ____, personal injury by accident arising out of and in the course of his employment was caused to A.B. _____, late of _____, deceased, a worker employed by C.D. _____ [or by _____, a contractor with C.D.

_____ for the execution of work undertaken by him], and on the day of _____, 19 ____, the death of the said A.B. _____ resulted from the injury.

2. The said A.B. _____ left no dependants within the meaning of the above-mentioned Ordinance.

3. A question has [or Questions have] arisen [here state the questions, specifying only those which have arisen, *e.g.*—

(a) as to whether the said A.B. _____ was a worker to whom the above-mentioned Ordinance applied; or

(b) as to the liability of the said C.D. _____ to pay compensation under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. _____; or

Workers' Compensation Regulations.

(c) as to the amount of compensation payable by the said C.D. under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. ; or

(d) as to the apportionment and application of the compensation payable by the said C.D. under the above-mentioned Ordinance in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B.

[or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. and the said C.D. and G.H.

for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased worker.

2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

3. Nature of employment of deceased at time of accident, and whether employed under respondent or under contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]

4. Date and place of accident, nature of work on which deceased was then engaged, and the nature of accident and cause of injury.

5. Nature of injury to deceased and date of death.

6. Name and address of applicant for arbitration.

7. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased, or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant.

8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses.

9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied.

10. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

11. If notice not served, reason for omission to serve it.

The names and addresses of the applicant and his solicitor or agent are:

Of the applicant,

Of his solicitor [or agent],

The names and addresses of the respondents to be served with this application are:

C.D.

G.H.

Dated at

this

(Signed)

day of

19

[Or
[Or

Applicant's
Solicitor.]
Agent.]

Reg. 14.

FORM 7.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ARBITRATION WITH RESPECT TO THE REVIEW, TERMINATION, DIMINUTION, INCREASE, OR REDEMPTION OF A WEEKLY PAYMENT.

C.D.

of [address]

[description]

Applicant,

and

A.B.

of [address]

[description]

[or as the case may be; see Ordinance, First Schedule, paragraphs 11, 12.]

An arbitration under the *Workers' Compensation Ordinances 1941*, is hereby requested between C.D. and A.B. [or as the case

Workers' Compensation Regulations.

(c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D.

; or
(d) as to whether the said disease is due to the nature of the employment of the said A.B. under the said C.D. ;

or
(e) as to the amount [or duration] of the compensation payable by the said C.D. to the said A.B. under the *Workers' Compensation Ordinances, 1941*, in respect of the said disease.

[or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between the said A.B. and the said C.D. for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondent.
3. Nature of employment of applicant under respondent to which the disease was due.
4. Nature of disease.
5. Date of disablement or suspension.
6. Names and addresses of all other employers by whom applicant was employed in the same employment during the twelve months previous to date of disablement or suspension.
7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
8. Average weekly earnings during the twelve months previous to date of disablement or suspension, if the applicant has been so long employed under respondent, or if not, during any less period during which he has been so employed.
9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business.
10. Payment, allowance, or benefit received from employer during period of incapacity.
11. Amount claimed as compensation.
12. Date of service of statutory notice of disablement or suspension on respondent. [A copy of the notice to be annexed.]
13. If notice not served, reason for omission to serve it.
The names and addresses, etc. [as in Form 3].

Regs. 14, 34.

FORM 9.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKER WHOSE DEATH HAS BEEN CAUSED BY INDUSTRIAL DISEASE.

E.F. of [address] [description] Applicant,
and
C.D. of [address] [description]
and
G.H. of [address] [description] Respondents.
[or as the case may be; see regulation 9.]

1. On the day of , 19 , J.K. , a medical referee appointed for the purposes of the *Workers' Compensation Ordinances 1941*, certified that A.B. of was suffering from ; a disease coming within section 11 of the said Ordinance, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of , 19 , the said A.B. died, his death being caused by the said disease.

COMPENSATION—

[Or 1. On the _____ day of _____, 19____, A.B. _____ of _____ was suspended from his usual employment on account of his having contracted _____, a disease coming within section 11 of the *Workers' Compensation Ordinances 1941*, and on the _____ day of _____, 19____, the said A.B. _____ died, his death being caused by the said disease.]

[Or 1. On the _____ day of _____, 19____, A.B. _____, late of _____, died, his death being caused by _____, a disease coming within section 11 of the *Workers' Compensation Ordinances 1941*.]

2. The applicant alleges that the above-mentioned disease was due to the nature of the employment of the said A.B. _____ in _____ [describe employment], and that he was last employed in such employment within the twelve months previous to his disablement or suspension [or, if the worker died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by C.D. _____ of _____

3. A question has [or Questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

- (a) as to whether the said A.B. _____ was a worker to whom the *Workers' Compensation Ordinances 1941* applied; or
- (b) as to the liability of the said C.D. _____ to pay compensation under the *Workers' Compensation Ordinances 1941*, to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____; or
- (c) as to whether the said disease was in fact contracted whilst the said A.B. _____ was in the employment of the said C.D. _____; or
- (d) as to whether the said disease was due to the nature of the employment of the said A.B. _____ under the said C.D. _____; or
- (e) as to whether the death of the said A.B. _____ was in fact caused by the said disease; or
- (f) as to the amount of compensation payable by the said C.D. _____ to the dependants of the said A.B. _____ under the above-mentioned Ordinance in respect of the injury caused to them by the death of the said A.B. _____; or
- (g) as to who are dependants of the said A.B. _____ within the meaning of the above-mentioned Ordinance; or
- (h) as to the apportionment and application of the compensation payable by the said C.D. _____ to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____.

[or as the case may be.]

4. An arbitration under the above-mentioned Ordinance is hereby requested between E.F. _____, the legal personal representative of the said A.B. _____,

[or between E.F. _____, acting on behalf of the dependants of the said A.B. _____, and the said C.D. _____, a dependant of the said A.B. _____, and G.H. _____, who claims or may be entitled to claim to be a dependant of the said A.B. _____.]

[or as the case may be; see regulation 9.]
for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased worker.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased under respondent to which the disease was due.
4. Nature of disease.
5. Date of disablement, and date of death.

Workers' Compensation Regulations.

6. Earnings of deceased during the three years next preceding disablement, if he had been so long in the employment of the respondent, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the respondent.

7. Names and addresses of all other employers by whom deceased was employed in the same employment during the twelve months previous to the date of disablement.

8. Amount of weekly payments (if any) made to deceased under the Ordinance and of any lump sum paid in redemption thereof.

9. Name and address of applicant for arbitration.

10. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).

13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

14. Date of service of statutory notice of disablement. [A copy of the notice to be annexed.]

15. If notice not served, reason for omission to serve it.

The names and addresses, etc. [as in Form 4].

Reg. 19.

FORM 10.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO APPLICANT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[Heading as in Application for Arbitration.]

Take notice that the District Court will proceed with the arbitration in this matter at _____ on _____ the _____ day of _____, 19____, at the hour of _____ o'clock in the _____ noon.

Dated at _____ this _____ day of _____, 19____.
To _____ of _____
Clerk of the District Court at _____

Reg. 19.

FORM 11.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO RESPONDENT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[Heading as in Application for Arbitration.]

Take notice that the District Court will proceed with the arbitration applied for in the request and particulars, a sealed copy of which is served herewith, at _____ on _____ the _____ day of _____, 19____, at the hour of _____ o'clock in the _____ noon; and that if you do not attend either in person or by your solicitor or agent at the time and place above-mentioned such order will be made and proceedings taken as the District Court thinks just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the District Court, or intend to rely on any fact,

COMPENSATION—

or to deny (wholly or partially) your liability to pay compensation under the Ordinance, you must file with me an answer, stating your name and address and the name and address of your solicitor or agent (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the District Court, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the District Court and a copy for the applicant and for each of the other respondents, must be filed with me seven clear days at least before the _____ day of _____, 19 _____.

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated at _____ this _____ day of _____, 19 _____.
Clerk of the District Court at _____

Reg. 20.

FORM 12.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
AFFIDAVIT OF SERVICE.

[Heading as in Application for Arbitration.]

I, [full name] [occupation] of _____ in the Territory of New Guinea, being duly sworn, make oath and say as follows:—

1. I am over the age of 16 years.

2. I did on _____ the _____ day of _____, 19 _____, duly serve the above-named _____ with the

hereto annexed and marked "A" by delivering a true copy thereof to him [personally or otherwise] at _____

Sworn at _____ this _____ day of _____, 19 _____.

Before me—

Reg. 21.

FORM 13.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
ANSWER BY RESPONDENTS.

[Heading as in Application for Arbitration.]

Take Notice—

That the respondent C.D. _____ disclaims any interest in the subject-matter of the above arbitration.

Or,

That the respondent C.D. _____ states that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

Or,

That the respondent C.D. _____ desires to bring to the notice of the District Court the facts stated in the particulars hereto annexed.

Or,

That the respondent C.D. _____ intends at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or,

That the respondent C.D. _____ intends at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or,

That the respondent C.D. _____ denies his liability to pay compensation under the Ordinance in respect of the injury to A.B. mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

Workers' Compensation Regulations.

PARTICULARS.

1. *Particulars in which the particulars filed by the applicant are inaccurate or incomplete—*

2. *Facts which the respondent desires to bring to the notice of the District Court—*

That the applicant A.B. refuses to submit himself to medical examination as required by [or obstructs the medical examination required by] the respondent C.D. in accordance with paragraph 4 of the First Schedule to the Ordinance [or refuses to submit himself for examination by a medical referee as ordered] [or obstructs the examination by a medical referee ordered] in accordance with paragraph 10 of the First Schedule to the Ordinance.

[or as the case may be.]

3. *Facts which the respondent C.D. intends to give in evidence and rely on at the hearing of the arbitration—*

That notice of the alleged accident [or of death, disablement, or suspension] was not given to the respondent as required by the Ordinance; or

That the claim for compensation was not made on the respondent within the time limited by the Ordinance.

[or as the case may be.]

4. *Grounds on which the respondent denies his liability to pay compensation—*

That the applicant, A.B. is [or the deceased worker was] not a worker to whom the Ordinance applies; or

That the injury to the applicant [or to the deceased worker] was not caused by accident arising out of and in the course of his employment; or

That the injury to the applicant [or to the deceased worker] was attributable to the serious and wilful misconduct of the applicant [or of the deceased worker]; or

That at the time of the alleged accident the applicant [or the deceased worker] was not immediately employed by the respondent, but was employed by of , a contractor with the respondent for the execution by or under such contractor of work undertaken by the respondent, and the accident occurred elsewhere than on, in, or about the premises on which the respondent had undertaken to execute the work or which were otherwise under the control and management of the respondent; or

That the injury to the applicant [or to the deceased worker] was caused under circumstances creating a legal liability in a person other than the respondent, to wit, [name and address of such person] to pay damages in respect thereof, and the applicant [or the deceased worker] has taken proceedings against that person and has recovered damages from him; or

In the case of industrial disease—

That the applicant [or the deceased worker] at the time of entering the employment of the respondent wilfully and falsely represented himself in writing as not having previously suffered from the disease mentioned in the applicant's particulars; or

That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased worker] was in the employment of the respondent; or

That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased worker] was employed by the respondent.

[or as the case may be.]

And further take notice, that the names and addresses of the said respondent and his solicitor or agent are:

Of the respondent C.D.,

Of his solicitor [or agent],

Dated at this

day of , 19 :

(Signed)

Respondent, C.D.
[or Respondent's Solicitor
or Agent].

To the Clerk of the District Court at , and

To the Applicant A.B. , and

To the Respondents

[if any, naming them].

COMPENSATION—

Reg. 22 (1.), (2.).

FORM 14.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE BY RESPONDENT ADMITTING LIABILITY, AND SUBMITTING TO AN AWARD FOR PAYMENT OF A WEEKLY SUM, OR PAYING MONEY INTO COURT, OR SUBMITTING TO AN AWARD OR PAYING MONEY INTO COURT WITH A DENIAL OF LIABILITY.

[*Heading as in Application for Arbitration.*]

Take Notice—

That the respondent, C.D. admits his liability to pay compensation in the above-mentioned matter.

And he hereby submits to an award for payment by him to the applicant A.B. of the weekly sum of , such weekly payment to commence from the day of , 19 , and to continue during the total or partial incapacity of the said A.B. for work, or until it shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Ordinance.

And for payment by him to the applicant forthwith after the award of the amount of such weekly payments calculated from the day of , 19 , until the first Friday [*or other usual pay day*] after the date of the award, and for the payment thereafter of the said sum of to the applicant on Friday [*or other usual pay day*] in every week.

[*Or, And the said C.D. herewith pays into Court the sum of in satisfaction of such liability.*]

[*Or, where liability is denied—*

Take Notice—

That the respondent, C.D. hereby submits [*follow from above, down to the words in every week*].

[*Or, that the respondent, C.D. herewith pays into Court the sum of in satisfaction of the applicant's claim in the above-mentioned matter.*]

And further take notice, that, notwithstanding such submission [*or payment*] the respondent denies his liability.

And further take notice, that the address of the said respondent is as follows: [*state the address.*]

Dated at this day of , 19 .

(Signed)

Respondent C.D.

[*or Respondent's Solicitor or Agent.*]

To the Clerk of the District Court at , and

To the Applicant A.B. , and

To the Respondents

[*if any, naming them.*]

Reg. 22 (3.).

FORM 15.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF FILING OF SUBMISSION TO AN AWARD, OR OF PAYMENT INTO COURT IN THE CASE OF AN INJURED WORKER.

[*Heading as in Application for Arbitration.*]

Take Notice—

That the respondent C.D. has this day filed with me a notice (copy of which is sent herewith) that he admits his liability to pay compensation in the above-mentioned matter, and submits to an award for payment by him to you of the weekly sum of [*or and has paid into Court the sum of in satisfaction of such liability.*]

[*Or,*

Take Notice—

That the respondent C.D. has this day filed with me a notice (copy of which is sent herewith) that he denies his liability to pay compensation in the above-mentioned matter, but that he submits to an award for payment by him to you of the weekly sum of [*or but that he has paid into Court the sum of in satisfaction of your claim.*]

Workers' Compensation Regulations.

If you elect to accept such weekly sum [or the sum so paid into Court] in satisfaction of your claim, you must, within a reasonable time before the day fixed for proceeding with the arbitration, send by post to the Clerk of this District Court, and to the said C.D. , a written notice of such acceptance in the prescribed form, or leave such notice at the office of the Clerk of this District Court, and at the residence or place of business of the said C.D.

If you send such notice, the District Court will, on application made to it, make an award directing payment of such weekly sum to you [or directing payment of the said sum of to you or applying the said sum of for your benefit], and you will be liable to no further costs.

In default of such notice, the arbitration will be proceeded with; and if no greater payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated at this day of , 19
Clerk of the District Court at

To the Applicant A.B.

Reg. 22 (3.).

FORM 16.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF PAYMENT INTO COURT IN THE CASE OF DEATH.

[*Heading as in Application for Arbitration.*]

Take Notice—

That the respondent C.D. has this day filed with me a notice (copy of which is sent herewith) that he admits his liability to pay compensation in the above-mentioned matter, and has paid into Court the sum of in satisfaction of such liability.

[Or,

Take Notice—

That the respondent C.D. has this day filed with me a notice (copy of which is sent herewith) that he denies his liability to pay compensation in the above-mentioned matter, but that he had paid into Court the sum of in satisfaction of the claim made herein.]

If you are willing to accept the sum so paid into Court in satisfaction of the compensation payable in the above-mentioned matter, you must send to the Clerk of this District Court, and to the said C.D. , and to the other respondents [or, where this notice is sent to a respondent, to the applicant and other respondents], a written notice forthwith by post, or leave such notice at the office of the Clerk of this District Court, and at the residence or place of business of the said C.D. , and at the residence or place of business of each of the other respondents [or of the applicant and each of the other respondents].

If you and all the other respondents [or If you and the applicant and all the other respondents] send such notice, and agree as to the apportionment and application of the said sum of , the Court will, on application made to it, make an award for such apportionment and application, and you will be liable to no further costs.

If you and all the other respondents [or If you and the applicant and all the other respondents] send such notice, but do not agree as to the apportionment and application of the said sum of , the arbitration will be proceeded with as between you and such other respondents [or as between the applicant and yourself and such other respondents].

In default of such notice being sent by you and all the other respondents [or by the applicant and yourself and all the other respondents], the arbitration will be proceeded with; and if no greater amount than the said sum of is awarded as compensation, the parties who do not send such notice will be liable to be ordered to pay the costs incurred by the respondent C.D.

COMPENSATION—

subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who sent notice of their willingness to accept the said sum of _____ in satisfaction of the compensation payable in the above-mentioned matter.

Dated at _____ this _____ day of _____, 19 _____
Clerk of the District Court at _____

To the Applicant, A.B.
[or To the Respondent G.H.
or as the case may be].

Reg. 22 (4.), (5.), and (6.).

FORM 17.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF ACCEPTANCE OF WEEKLY SUM OFFERED, OR OF
WILLINGNESS TO ACCEPT SUM PAID INTO COURT.

[Heading as in Application for Arbitration.]

Take Notice—

That the applicant A.B. _____ accepts the weekly sum offered by the respondent C.D. _____ [or the sum of _____ paid into Court] in satisfaction of his claim in the above-mentioned matter [or that the applicant E.F. _____ [or the respondent G.H. _____] is willing to accept the sum of _____ paid into Court by the respondent C.D. _____ in satisfaction of the compensation payable in the above-mentioned matter].

But the applicant _____ [or the said respondent G.H. _____] will apply to the Court to include in its award an order directing the said respondent C.D. _____ to pay the costs properly incurred by the applicant _____ [or the said respondent G.H. _____] before the receipt of notice of the offer of the said weekly sum [or of notice of payment of the said sum of _____ into Court] and his costs properly incurred in relation to the notice of the offer of the said weekly sum [or the notice of payment of the said sum of _____ into Court], and to this notice, and in attending at the Court to obtain an award.

Dated at _____ this _____ day of _____, 19 _____
(Signed) _____ Applicant,
or _____ Respondent.

To the Clerk of the District Court at _____, and
To the Respondent C.D. _____, and
To the Applicant A.B. _____, and
To the Respondents [naming them].

Regs. 23, 34.

FORM 18.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE BY RESPONDENT TO THIRD PARTIES.

[Heading as in Application for Arbitration.]

To _____ of _____ [address and description].

Take Notice that A.B. _____ of _____ has filed a request for arbitration (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondent C.D. _____ to the said A.B. _____ in respect of personal injury caused to the said A.B. _____ by accident arising out of and in the course of his employment.

[Or, That E.F. _____ of _____ has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B. _____, deceased, in respect of the injury caused to the said dependants by the death of the said A.B. _____ which resulted from injury caused to the said A.B. _____ by accident arising out of and in the course of his employment.]

[or as the case may be; see forms of request for arbitration.]

The respondent C.D. _____ claims to be indemnified by you against his liability to pay such compensation, on the ground that at the time of the injury in respect of which compensation is claimed the said A.B. _____

Workers' Compensation Regulations.

was not immediately employed by the said C.D. , but was employed by you in the execution of work undertaken by the said C.D. , in respect of which the said C.D. had contracted with you for the execution thereof by or under you.

[Or, on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part to pay damages in respect thereof.]

[or as the case may be.]

[Or, in the case of industrial disease, The respondent C.D. claims to be entitled to contribution from you in respect of the compensation claimed from him, on the ground that the disease mentioned in the applicant's particulars was of such a nature as to be contracted by a gradual process, and that the said A.B. was employed by you during the twelve months previous to the date of disablement or suspension in the employment to the nature of which the disease was due.]

And take notice that if you wish to dispute the applicant's claim as against the respondent C.D. , or your liability to the said respondent, you must appear before the Court at the time and place mentioned in the notice, a copy of which is hereunto annexed.

In default of your so appearing, you will be deemed to admit the validity of any award made in the said arbitration as to any matter which the District Court has jurisdiction to decide in such arbitration as between the applicant and the respondent C.D. , whether such award is made by consent or otherwise, and your own liability to indemnify the said C.D. [or to contribute as above-mentioned].

Dated at this day of , 19 .
(Signed) C.D.

[Or,
Solicitor or Agent for the Respondent, C.D.]

Reg. 33 (1.).

FORM 19.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
AWARD.

[NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under regulation 33, in accordance with the directions given by the Court.]

(i) IN CASE OF APPLICATION BY WORKER.
[Heading as in Application for Arbitration.]

Having duly considered the matters submitted, the District Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

1. That the respondent C.D. do pay to the applicant A.B. the weekly sum of as compensation for personal injury caused to the said A.B. on the day of , 19 , by accident arising out of and in the course of his employment as a worker employed by the said respondent, such weekly payment to commence as from the day of , 19 , and to continue during the total or partial incapacity of the said A.B. for work, or until it shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Ordinance.

2. That the said C.D. do forthwith pay to the said A.B. the sum of being the amount of such weekly payments calculated from the day of , 19 , until the day of , 19 , [first Friday or other usual pay day after the date of award] and do thereafter pay the said sum of to the said A.B. on Friday [or other usual pay day] in every week.

COMPENSATION—

3. That the said C.D. do pay to the Clerk of this District Court, for the use of the applicant, the sum of being his costs of and incident to this arbitration, such costs to be taxed by the Clerk in the prescribed manner and to be paid by the said C.D. to the Clerk within days from [or forthwith after] the date of such taxation.

Dated at this day of 19 .
By the Court,

(ii) IN CASE OF APPLICATION FOR DEPENDANTS.

[Heading as in Application for Arbitration.]

Having duly considered the matters submitted, the District Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

1. That the respondent C.D. do pay the sum of to the dependants of A.B. , late of , deceased, as compensation for the injury resulting to such dependants from the death of the said A.B. , which took place on the day of the , 19 , from injury caused to the said A.B. on the day of , 19 , by accident arising out of and in the course of his employment as a worker employed by the said respondent.

2. That the persons hereinafter named are entitled to share in such compensation as dependants of the said A.B. , that is to say, J.B. , the widow of the said A.B. , and [name the other persons].

3. [Add, if so found, That the respondent G.H. , the of the said A.B. , is not entitled to share in such compensation as a dependant of the said A.B. .]

4. That the said sum of be apportioned between the said J.B. and [name the other persons] in the proportions following, that is to say:—

The sum of to or for the benefit of the said J.B. , and the sum of to or for the benefit of the said [specify the persons entitled and the sums apportioned to them].

5. That the said C.D. do pay the said sum of to the Clerk of this Court within days from [or forthwith after] the date of this award.

6. That on payment to the Clerk of the said sum of the Clerk do forthwith pay to the said J.B. the sum of hereby apportioned to her [or the sum of out of the sum of hereby apportioned to her], and that the balance of the last-mentioned sum (less any Court fees payable by her) be invested by the Clerk in his name in the Commonwealth Savings Bank of Australia for the benefit of the said J.B. , and out of the sum so invested and the accruing interest thereof the Clerk do from time to time until further order pay to the said J.B. the weekly sum of , the first payment to be made on the day of , 19 , and thereafter every fortnight [or every four weeks, or as the case may be].

7. That on payment to the Clerk of the said sum of the sums of and hereby apportioned to or for the benefit of the said respectively (less any Court fees payable by them) be invested by the Clerk in his name in the said Savings Bank for the benefit of the said and respectively, and that interest arising from such investments be from time to time until further order paid to the said J.B. , to be by her applied for the maintenance, education, or benefit of the said and respectively.

8. That the said J.B. and the said or any of them be at liberty to apply to the Court from time to time as they may be advised for any further or other order as to the application of any of the said sums so ordered to be invested and the accruing interest thereof.

9. That the said C.D. do pay to the Clerk of this District Court, for the use of the applicants, the sum of being their costs of and incident to this arbitration, such costs to be taxed by the Clerk

Workers' Compensation Regulations.

in the prescribed manner and to be paid by the said C.D. to the Clerk within days from [or forthwith after] the date of such taxation.

[Add directions (if any given) as to costs occasioned by claim of person claiming as a dependant whose claim is disallowed.]

Dated at this day of , 19 .
By the Court,

(iii) IN CASE OF APPLICATION BY PERSON TO WHOM EXPENSES OF MEDICAL ATTENDANCE OR BURIAL ARE DUE.

[Heading as in Application for Arbitration.]

Having duly considered the matters submitted, the District Court hereby orders and awards as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Court may direct.]

1. That the respondent C.D. do pay the sum of for or towards the expenses of medical attendance on and the burial of A.B. , late of , deceased, who died on the day of , 19 , from injury caused on the day of , 19 , by accident arising out of and in the course of the employment of the said A.B. as a worker employed by the said C.D.

2. That the persons hereinafter named are entitled to share in such compensation, that is to say:

The applicant E.F. in respect of charges amounting to due to [or payable by] him for medical attendance on the said A.B. , and the respondent G.H. in respect of charges amounting to due to him for the burial of the said A.B.

3. That the respondent C.D. do pay the said sum of to the Clerk of this District Court within days from the date of this award, and that the said sum of be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. That the said C.D. do pay to the Clerk of this District Court for the use of the applicant E.F. and the respondent G.H. the sum of , being their respective costs of and incident to this arbitration; such costs to be taxed by the Clerk in the prescribed manner and to be paid by the said C.D. within days from [or forthwith after] the date of such taxation.

Dated at this day of , 19 .
By the Court,

[NOTE.—The above forms will serve as guides for framing awards in other cases.]

Reg. 33 (2.).

FORM 20.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTY OF DAY ON WHICH AWARD WILL BE SETTLED.

[Heading as in Application for Arbitration.]

Take Notice that the form of Award herein will be settled at the Office of the Clerk of the District Court at on the day of , 19 , at a.m.

Dated at this day of , 19 .
Clerk of the District Court at
To the and to

COMPENSATION—

Reg. 33 (4.).

FORM 21.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR CERTIFICATE OF AWARD.

[Heading as in Application for Arbitration.]

Application is hereby made by A.B. for a certificate of the Clerk of the District Court at to the effect that an award or order of the said Court for payment of the sum of was entered up or made in favour of the applicant against the respondent on the day of , 19

Dated at this day of , 19 .
 (Signed) Applicant.
 [Or Applicant's Solicitor.]
 [Or Agent.]

Reg. 33 (4.).

FORM 22.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

CERTIFICATE OF AWARD.

Title and date of commencement.	Form or nature of proceedings.	Name and address of person in whose favour award or order has been entered up or made.	Name and address of debtor.	Date of award or order.	Abstract of award or order.

I certify that this Certificate correctly and fully sets forth the particulars of an award or order of the District Court at , entered up or made on the day of , 19

Dated at this day of , 19 .
 Clerk of the District Court at

Reg. 34.

FORM 23.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ADDITION OF EMPLOYER AS RESPONDENT UNDER SECTION 11 OF THE ORDINANCE.

[Heading as in Application for Arbitration.]

Take Notice—

That the respondent C.D. alleges that the disease mentioned in the applicant's particulars filed in this matter was in fact contracted while the applicant [or the deceased worker] was in the employment of of and not whilst in the employment of the said C.D. [or as the case may be].

And the said C.D. hereby applies for an order that the said be joined as respondent in the above arbitration, and, if necessary, for an adjournment of the hearing of the arbitration.

Dated at this day of , 19 .
 (Signed) Respondent C.D.
 [or Respondent's Solicitor or Agent].

To the Clerk of the District Court at

Workers' Compensation Regulations.

Reg. 34.

FORM 24.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

ORDER ADDING RESPONDENTS.

[*Heading as in Application for Arbitration.*]

It is this day ordered on the application of the respondent, C.D. that the day of , 19 , be added as respondent to this arbitration [and that the hearing of this arbitration be adjourned to the day of , 19 , at o'clock in the noon].

Clerk of the District Court at

Reg. 34.

FORM 25.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF APPLICANT AND ORIGINAL RESPONDENT OF ADDITION OF RESPONDENT.

[*Heading as in Application for Arbitration.*]

Take Notice—

That by order dated the day of , 19 , it was ordered on the application of the respondent C.D. (a copy whereof is hereto annexed), that of be added as respondent to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon].

Dated at this day of , 19 .
Clerk of the District Court at

To the Applicant , and
To the Respondent C.D.

Reg. 34.

FORM 26.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTIES WHO ARE ADDED AS RESPONDENTS.

[*Heading as in Application for Arbitration.*]

To , of [address and description].

Take Notice—

That by an order of this District Court, dated the day of , 19 , a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further take notice that the hearing of the above arbitration has been appointed for the day of at o'clock in the noon, and that if you do not attend, either in person or by your counsel or agent, at the at upon the day and at the hour above mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document

COMPENSATION—

to the notice of the Court, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Ordinance, you must file with me an answer, stating your name and address and the name and address of your solicitor or agent (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the Court, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the Court, and a copy for the applicant and for each of the other respondents, must be filed with me seven clear days at least before the _____ day of _____, 19 _____.

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated at _____ this _____ day of _____, 19 _____,
Clerk of the District Court at _____.

Reg. 35.

FORM 27.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

FORM OF MEMORANDUM UNDER PARAGRAPH 7 OF THE SECOND SCHEDULE.

(i) *In the case of Injury to Worker by Accident.*

To the Clerk of the District Court at _____
In the matter of the *Workers' Compensation Ordinances 1941*
and _____

In the matter of an arbitration between [name] _____ Applicant,
of [address] [description]
and [name] _____
of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration,
In the matter of an agreement between [name] _____
of [address] [description]
and [name] [description] .]

Be it remembered that on the _____ day of _____, 19 _____,
personal injury was caused at [state place of accident] to the above-named
, a worker under no legal disability [or an infant of the age
of _____ years], by accident arising out of and in the course of his
employment.

And that on the _____ day of _____, 19 _____, the
following agreement was come to by and between the said _____ and
the said _____, that is to say:

[Here set out a copy of agreement.]

[If the matter has been referred to a medical referee, add—

A copy of the certificate of _____, a medical referee to whom the
above-mentioned matter was referred, is hereunto annexed.]

You are hereby requested to record this memorandum, pursuant to paragraph
7 of the Second Schedule to the above-mentioned Ordinance.

Dated at _____ this _____ day of _____, 19 _____.

[To be signed in accordance with regulation 36 (1).]

[NOTE.—This form to be adapted to the circumstances of the case and the
matter decided.]

(ii) *In the case of Injury to worker by Industrial Disease.*

To the Clerk of the District Court at _____
In the matter of the *Workers' Compensation Ordinances 1941*,
and _____

In the matter of an arbitration between [name] _____ Applicant,
of [address] [description]
and [name] _____
of [address] [description] Respondents.

[Or, where the matter has been decided by agreement without arbitration.

Workers' Compensation Regulations.

In the matter of an agreement between [name]
of [address] [description]
and [name]
of [address] [description] .]

Be it remembered that on the _____ day of _____, 19____, a medical referee to whom the above-mentioned matter was referred for the purposes of the *Workers' Compensation Ordinances 1941*, certified that A.B. _____ of _____, a worker under no legal disability [or an infant of the age of _____ years], was suffering from _____, a disease coming within section 11 of the *Workers' Compensation Ordinances 1941*, and was thereby disabled from earning full wages at the work at which he was employed [or That on the day of _____, 19____, A.B. _____ of _____, a worker under no legal disability [or an infant of the age of _____ years] was suspended from his usual employment on account of his having contracted _____, a disease coming within section 11 of the *Workers' Compensation Ordinances 1941*.]

And that the said A.B. _____ alleged that the abovementioned disease was due to the nature of his employment in [describe employment], and that he was last employed in such employment within the twelve months previous to the date of disablement or suspension by C.D. _____ of _____

And that on the _____ day of _____, 19____, the following agreement was come to by and between the said _____ and the said _____, that is to say:

[Here set out copy of agreement.]

[If the matter has been referred to a medical referee, add—

A copy of the certificate of E.F. _____, a medical referee to whom the above-mentioned matter was referred, is hereunto annexed.]

You are hereby requested to record this memorandum, pursuant to paragraph 7 of the Second Schedule to the above-mentioned Ordinance.

Dated at _____ this _____ day of _____, 19____.
[To be signed in accordance with regulation 36 (1).]

[NOTE.—This form to be adapted to the circumstances of the case and the matter decided.]

(iii) *Where Death resulted from the Injury.*

To the Clerk of the District Court at _____
In the matter of the *Workers' Compensation Ordinances 1941*,
and _____

In the matter of an arbitration between [name] _____ Applicant,
of [address] [description]
and [name] _____ Respondents.
of [address] [description]

[Or, where the matter has been decided by agreement without arbitration.

In the matter of an agreement between [name] _____
of [address] [description]
and [name] _____
of [address] [description] .]

Be it remembered that on the _____ day of _____, 19____, personal injury was caused at [state place of accident] to _____, late of _____, deceased, by accident arising out of and in the course of his employment, and that on the _____ day of _____, 19____, the said _____ died as the result of such injury.

And that on the _____ day of _____, 19____, the following agreement was come to by and between _____, the dependants of the said _____ within the meaning of the above-mentioned Ordinance, and the said _____, that is to say:

[Here set out copy of agreement.]

[If the matter has been referred to a medical referee, add—

A copy of the certificate of _____, a medical referee to whom the above-mentioned matter was referred, is hereunto annexed.]

[Add, if so, The said _____ attended the arbitration on the day of _____, 19____.]

Workers' Compensation Regulations.

Regs. 35 and 44.

FORM 28.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

INFORMATION TO BE SUPPLIED WHERE A MEMORANDUM OF AGREEMENT MADE BEFORE ASCERTAINMENT OF COMPENSATION FOR PAYMENT OF A LUMP SUM BY WAY OF COMPROMISE AND SATISFACTION, OR AN AGREEMENT AS TO THE REDEMPTION OF A WEEKLY PAYMENT BY A LUMP SUM, OR AS TO THE AMOUNT OF COMPENSATION PAYABLE TO A PERSON UNDER ANY LEGAL DISABILITY, OR TO DEPENDANTS, IS PRESENTED FOR REGISTRATION.

A. In case of agreement with injured worker.

[Heading as in Memorandum.]

(a) A.B. named in the memorandum of agreement presented for registration in this matter was at the date of the accident [or disablement or suspension] years of age.

(b) He was employed as , and his average weekly earnings computed in accordance with the above-mentioned Ordinance were

(c) He was injured by , and the nature of his injury was as follows:—

(d) He was totally incapacitated for work for a period of , but recovered and was fit to resume his ordinary work on the day of , 19

[or He was and is at present totally incapacitated for work, but is expected to recover and to be fit to resume his ordinary work in about .]

[or He was totally incapacitated for work for a period of , and is now partially incapacitated, but such partial incapacity is not likely to be permanent, and he is expected to recover and to be fit to resume his ordinary work in about .]

[or He was and is totally incapacitated for work, and such incapacity is likely to be permanent.]

[or He was totally incapacitated for work for a period of and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of in some suitable employment or business.]

[or as the case may be.]

(e) The said received the following payments, allowances, or benefits from his employers previous to the date of the agreement, viz.:—
[Here state payments made, where a weekly payment has been made, the amount of such payment, and the period for which it was paid.]

Dated at this day of , 19

[To be signed in accordance with regulation 36 (1).]

B. Where death resulted from the injury or industrial disease.

[Heading as in Memorandum.]

(a) A.B. named in the memorandum of agreement presented for registration in the matter, was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of during the three years next preceding the injury in the said memorandum mentioned [or his average weekly earnings during the period of his employment under] were

(c) He left the following dependants wholly dependent upon his earnings, and the following dependants partially dependent, viz.:—

[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]

[or He left no dependants wholly dependent upon his earnings, but left the following dependants partially dependent, viz.:—

[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]

(d) The said received the following payments, allowances, or benefits from his employers after the accident [or disablement or suspension], viz.:—

Dated at this day of , 19

[To be signed in accordance with regulation 36 (1).]

COMPENSATION—

Reg. 37.

FORM 29.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

[*Heading as in Memorandum.*]

Take notice that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within seven days from this date whether you admit the genuineness of the memorandum or whether you dispute its genuineness, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, it will not be recorded, except with your consent in writing, or by order of this District Court.

Dated at this day of , 19 .

To [all parties interested].

Clerk of the District Court at

Reg. 39.

FORM 30.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE DISPUTING GENUINENESS OF MEMORANDUM, OR NOTICE BY EMPLOYER OBJECTING TO MEMORANDUM BEING RECORDED.

[*Heading as in Memorandum.*]

(1) *Notice disputing Genuineness of Memorandum.*

Take notice that [state name of party disputing], a party [or parties] interested, disputes [or dispute] the genuineness of the memorandum sent to you for registration in the above-mentioned matter on the following grounds:—

[*Here state the grounds, as e.g.*]

- (a) That no such agreement has in fact been entered into; or
- (b) That the terms of the agreement are not correctly stated in the memorandum of agreement; or
- (c) That the agreement is no longer subsisting or enforceable; or
- (d) That the agreement is not enforceable by reason of its having been entered into under a mutual mistake [or having been obtained by fraud] [or undue influence] [or improper means].

Dated at this day of , 19 .

[To be signed by the party disputing or his solicitor or agent, or, in the case of employers, by their duly authorized official, employee, or agent.]

To the Clerk of the District Court at

(2) *Notice by Employer objecting to Memorandum being recorded.*

Take notice that [state name of employer] objects [or object] to the memorandum sent to you for registration in the above-mentioned matter being recorded on the ground that the above-mentioned [worker] has in fact returned to work and is earning the same wages as he did before the accident.

Dated at this day of , 19 .

[To be signed by the employer or his solicitor or agent or duly authorized official, employee, or agent.]

To the Clerk of the District Court at

- Reg. 40.

FORM 31.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE THAT GENUINENESS OF MEMORANDUM IS DISPUTED, OR OF OBJECTION BY EMPLOYER TO MEMORANDUM BEING RECORDED.

[*Heading as in Memorandum.*]

Take notice that of , a party [or parties] interested in the memorandum left with [or sent to] me for registration in the above-mentioned matter, has [or have] filed with me a notice, a copy of which is sent herewith, that he disputes [or they dispute] the genuineness of the said memorandum on the grounds stated in the said notice.

Workers' Compensation Regulations.

[or Take notice that [employer] has [or have] filed with me a notice, a copy of which is sent herewith, that he objects [or they object] to the memorandum left with [or sent to] me for registration in the above-mentioned matter being recorded on the grounds stated in the said notice.]

The memorandum will therefore not be recorded, except with the consent in writing of the said _____, or by order of this District Court.

Dated at _____ this _____ day of _____, 19 _____.

To [all parties interested].

Clerk of the District Court at _____

Reg. 43.

FORM 32.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF APPLICATION FOR REGISTRATION OF MEMORANDUM OR FOR RECTIFICATION OF REGISTER.

[Heading as in Memorandum.]

Take notice that I intend to apply to the District Court at _____ on _____ the _____ day of _____, 19 _____, at the hour of _____ o'clock in the _____ noon [in case of notice by solicitor or agent, on behalf of _____ of _____] for an order for the registration of the memorandum sent to the Clerk in the above-mentioned matter [or for an order for the rectification of the memorandum recorded in the above-mentioned matter] by [state particulars of rectification applied for], and for consequential directions, and for costs.

Dated at _____ this _____ day of _____, 19 _____.

(Signed) _____ Applicant.

[Or _____ Applicant's Solicitor.]

[Or _____ Agent.]

To The Clerk of the District Court at _____, and

To [all parties interested or their solicitors].

Reg. 44 (2.).

FORM 33.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

REQUEST FOR INFORMATION UNDER SUB-REGULATION (2.) OF REGULATION 44.

[Heading as in Memorandum.]

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration, I have to request you to inform me, by letter or by personal interview at my office situate at _____, of any facts relating to the agreement and the circumstances in which it was arrived at which you may desire to bring to my notice, and which may assist me in deciding whether the agreement may properly be recorded.

Dated at _____ this _____ day of _____, 19 _____.

Clerk of the District Court at _____.

To [all parties interested].

Reg. 44 (5.).

FORM 34.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTIES WHERE CLERK REFERS THE QUESTION OF RECORDING A MEMORANDUM OF AN AGREEMENT TO THE COURT UNDER PARAGRAPH (d) OF THE PROVISO TO PARAGRAPH 7 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

Take notice that I have refused to record the memorandum sent to me in this matter for registration, and have referred the matter to the District Court, pursuant to paragraph (d) of the proviso to paragraph 7 of the Second Schedule to the above-mentioned Ordinance, it appearing to me that the said memorandum ought not to be registered by reason of—

- (a) the inadequacy of the lump sum agreed to be paid by way of compromise in satisfaction of all claims [or in redemption of the weekly payment referred to in the memorandum]; or

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- (b) the inadequacy of the amount of compensation agreed to be paid to _____, a person under legal disability; or
- (c) the inadequacy of the amount of compensation agreed to be paid to _____ and _____, dependants; or
- (d) the agreement having been obtained by fraud [or undue influence or improper means].

And further take notice that by order of the Court, you are hereby summoned to attend before the District Court to be holden at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon, when the matter will be inquired into by the Court.

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

Dated at _____ this _____ day of _____, 19____.

Clerk of the District Court at _____

To [all parties interested].

Reg. 45 (1.).

FORM 35.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER PARAGRAPH (e) OF THE PROVISO TO PARAGRAPH 7 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

Take notice that I intend to apply to the District Court at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon, for an order for the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the _____ day of _____, 19____, pursuant to paragraph (e) of the proviso to paragraph 7 of the Second Schedule to the above-mentioned Ordinance, on the ground that the said agreement was obtained by fraud [or undue influence or improper means], and for consequential directions, and for costs.

Dated at _____ this _____ day of _____, 19____.

(Signed) _____ Applicant.

[Or _____ Applicant's Solicitor.]

[Or _____ Agent.]

To the Clerk of the District Court at _____, and

To [all parties interested].

Reg. 45 (2.).

FORM 36.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTIES WHERE THE COURT DIRECTS INQUIRY AS TO REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER PARAGRAPH (e) OF THE PROVISO TO PARAGRAPH 7 OF THE SECOND SCHEDULE.

[Heading as in Memorandum.]

Whereas it has been made to appear to the District Court that an inquiry should be held as to the removal from the Register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the _____ day of _____, 19____, pursuant to paragraph (e) of the proviso to paragraph 7 of the Second Schedule to the above-mentioned Ordinance, on the ground that the said agreement was obtained by fraud [or undue influence or improper means]:

Take notice that you are hereby summoned to attend before the District Court to be holden at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon, when the matter will be inquired into by the Court.

Workers' Compensation Regulations.

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

Dated at this day of , 19
Clerk of the District Court at

To [all parties concerned].

Reg. 47.

FORM 37.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF APPLICATION FOR SUSPENSION OF RIGHT TO COMPENSATION OR TO TAKE OR PROSECUTE PROCEEDINGS IN RELATION TO COMPENSATION, OR OF RIGHT TO WEEKLY PAYMENTS UNDER PARAGRAPH 4, PARAGRAPH 9, OR PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE ORDINANCE AND REGULATION 47.

In the matter of a claim for compensation made by A.B. of against C.D. of

[or, where an arbitration is pending,

In the matter of an arbitration between

A.B.

of [address]

[description]

Applicant,

and

C.D.

of [address]

[description]

Respondent.]

[or, where application is made after weekly payment has been settled,

In the matter of an agreement [or a decision or an award] recorded in the District Court as to the weekly payment payable to A.B.

of by C.D. of .]

Take notice that I intend to apply to the District Court at on the day of , 19 , at the hour of in the noon, [on behalf of C.D. of ,] for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceeding under the above-mentioned Ordinance in relation to compensation [or suspending your right to weekly payments in the above-mentioned matter], on the ground that you refuse to submit yourself to medical examination as required by me [or by the said C.D.], in accordance with paragraph 4 [or paragraph 9] of the First Schedule to the Ordinance [or that you obstruct the medical examination required by me or the said C.D.] in accordance with paragraph 4 [or paragraph 9] of the First Schedule to the Ordinance [or on the ground that you refuse to submit yourself for examination by a medical referee as required under paragraph 10 of the First Schedule to the Ordinance, or that you obstruct the medical referee to whom a matter has been referred under paragraph 10 of the First Schedule to the Ordinance], and for consequential directions, and for costs.

Dated at this day of , 19 .

(Signed) C.D.

[Or

Solicitor or Agent for C.D. .]

To A.B. of

of

, and

To his Solicitor [or Agent].

Reg. 49 (3.).

FORM 38.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

PRAECIPE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE AND REGULATION 49.

In the matter of an arbitration between

A.B.

of

and

Applicant,

C.D.

of

[or

Respondent.

COMPENSATION—

In the matter of an agreement between

A.B.

of

and

C.D.

of

or as the case may be.]

Take notice that C.D. of

[or solicitor or agent for C.D. of] pays into Court [when paid by solicitor or agent, add at the request and by the authority of the said C.D. ,] the sum of [state the sum in letters], being the sum awarded [or agreed] to be paid by the said C.D. , as compensation in the above-mentioned matter.

Dated at this day of , 19 .

(Signed) C.D.

[Or Solicitor or Agent for C.D. .]

To the Clerk of the District Court at

[NOTE.—A receipt for the money paid is to be given on the usual form, with the following addition:—"being the sum awarded [or agreed] to be paid by C.D. in the matter of an arbitration [or an agreement] between A.B. and C.D. ".]

Reg. 49 (4.).

FORM 39.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE BY THE CLERK OF PAYMENT INTO COURT UNDER REGULATION 49.

[Heading as in Praecepte for Payment into Court.]

Take notice that the sum of has been paid into Court as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the District Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with the above-mentioned Ordinance and the Regulations made thereunder.

Dated at this day of , 19 . Clerk of the District Court at

To

Regs. 49 (9.), 50, 51 (3.).

FORM 40.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR INVESTMENT AND APPLICATION OF SUM PAID INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE.

[Heading as in Praecepte for Payment into Court.]

Take notice that I [name and address of applicant] intend to apply to the District Court at on the day of , 19 , at the hour of in the noon, on behalf of myself and of [specify the persons on whose behalf the application is made], as dependants of the above-named A.B. , for an order for the investment and application of the sum paid into Court in the above-mentioned matter, and for the allotment of it between the dependants of the said A.B.

To the best of my knowledge and belief the persons interested in the said sum as dependants of the said A.B. are— [state dependants, with their ages and relationship to deceased worker and places of residence].

Workers' Compensation Regulations.

I intend to apply for an order for the investment and application of the said sum, and for the allotment of it between the dependants of the said A.B. as follows:—

[state how applicant wishes the sum to be dealt with], or in such other manner as the Court in its discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Ordinance, and for consequential directions.

Dated at this day of 19 (Signed)

To the Clerk of the District Court at [and
To any other parties interested, where the application is made on behalf of some only of the parties interested].

Regs. 49 (9.), 50, 51 (3.).

FORM 41.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR INVESTMENT AND APPLICATION OF THE AMOUNT ALLOTTED TO ANY PERSON.

[Heading as in Form 38.]

Take notice that I [name and address of applicant] intend to apply to the District Court at on the day of 19, at the hour of in the noon, on behalf of myself [or of] for an order for the investment and application of the sum paid into Court in the above-mentioned matter and allotted to me [or to the said].

I intend to apply for an order for the investment and application of the said sum as follows:—

[state how applicant wishes the sum to be dealt with], or in such other manner as the Court in its discretion thinks fit for my benefit [or for the benefit of the said], and for consequential directions.

Dated at this day of 19 (Signed)

To the Clerk of the District Court at

Reg. 50.

FORM 42.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

PRAECIPE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE, AND REGULATION 50, WHERE THERE IS NO DISPUTE AS TO THE LIABILITY TO PAY COMPENSATION, BUT THE AMOUNT PAYABLE HAS NOT BEEN ASCERTAINED OR DECIDED BY ARBITRATION OR AGREEMENT.

In the matter of an injury by accident to A.B., late of , which resulted in the death of the said A.B.

Take Notice—

1. That on the day of 19, personal injury by accident arising out of and in the course of his employment was caused at [state place of accident] to A.B., late of , deceased, a worker employed by [or by], a contractor with for the execution of work undertaken by them], and on the day of 19, the death of the said A.B. resulted from the injury.

[Or, in the case of industrial disease,

Take Notice—

1. That on the day of 19, E.F., a medical referee, certified that A.B. of was suffering from , a disease coming within section 11 of the above-mentioned Ordinance, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of 19, the said A.B. died, his death being caused by the said disease.]

[Or, That on the day of 19, A.B.

of , was suspended from his usual employment on account of his having contracted , a disease coming within section 11

COMPENSATION—

of the above-mentioned Ordinance, and on the _____ day of _____, 19____, the said A.B. _____ died, his death being caused by the said disease.]

[Or, That on the _____ day of _____, 19____, A.B. _____, late of _____, died, his death being caused by _____, a disease coming within section 11 of the above-mentioned Ordinance.

And that the dependants of the said A.B. _____ allege that the above-mentioned disease was due to the nature of the employment of the said A.B. _____ in [describe employment], and that he was last employed in such employment within the twelve months previous to his disablement or suspension [or, if the worker died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by C.D. _____ of _____.]

2. There is no dispute as to the liability of the said _____ to pay compensation under the above-mentioned Ordinance to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____, but the amount payable as compensation has not been ascertained or decided either by arbitration or by agreement.

3. The said _____ of _____ [or _____, solicitor or agent for the said _____ of _____,] therefore pays into Court [when paid by solicitor or agent, add, at the request and by the authority of the said _____] the sum of [state sum in letters] being the amount admitted by the said _____ to be payable by him as compensation in the above-mentioned matter.

4. (a) The said A.B. _____ was at the date of the accident [or disablement [or suspension or death] _____ years of age.

(b) He was employed as _____, and his earnings in the employment of the said _____ during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said _____] were _____.

5. To the best of the knowledge and belief of the said _____ the persons interested in the said sum as dependants of the said A.B. _____ are—

[state dependants, with their ages and relationship to deceased worker, and places of residence, as far as known].

6. The amount admitted by the said _____ to be payable as compensation has been arrived at as follows:—

Dated at _____ this _____ day of _____, 19____.

(Signed) _____

[Or _____ Solicitor or Agent for _____.]

To the Clerk of the District Court at _____

[NOTE.—A receipt for the money paid in with this praeceipe is to be given on the usual form, with the following addition:—“being the amount admitted by C.D. _____ to be payable by him as compensation in respect of an injury by accident resulting in the death of A.B. _____.”.]

Reg. 51.

FORM 43.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

PRAECIPE FOR PAYMENT INTO COURT UNDER PARAGRAPH 5 OF THE FIRST SCHEDULE TO THE ORDINANCE, AND REGULATION 51, WHERE LIABILITY TO PAY COMPENSATION IS DENIED, BUT THE EMPLOYER IS WILLING TO PAY A SUM IN SETTLEMENT.

In the matter of a claim for compensation made by the dependants of A.B. _____, late of _____, deceased, against C.D. _____ of _____

Take Notice—

1. That a claim has been made under the above-mentioned Ordinance by [or on behalf of] the dependants of A.B. _____, late of _____, deceased, against C.D. _____ of _____, for compensation

Workers' Compensation Regulations.

in respect of the injury caused to such dependants by the death of the said A.B. , who died on the day of 19

2. The said dependants allege that the death of the said A.B. resulted from personal injury by accident arising out of and in the course of his employment caused to the said A.B. on the day of , 19 , at [state place of accident] while he was employed as a worker by the said C.D. [or by E.F. , a contractor with the said C.D. for the execution of work undertaken by them].

[Or, in the case of industrial disease,

2. The said dependants allege that the death of the said A.B. was caused by , a disease coming within section 11 of the *Workers' Compensation Ordinances 1941*, and that the above-mentioned disease was due to the nature of the employment of the said A.B. in [describe employment], and that he was last employed in such employment within the twelve months previous to his disablement [or suspension from his usual employment] [or, if the worker died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by the said C.D.]

3. The said C.D. denies his liability to pay compensation under the above-mentioned Ordinance to the dependants of the said A.B. , but to avoid litigation is willing to pay the sum of in full settlement of all claims to such compensation, and such of the dependants of the said A.B. as are not under disability are willing to accept such sum in settlement.

4. The said C.D. of [or solicitor or agent for the said C.D. of] therefore pays into Court [when paid in by solicitor or agent, add, at the request and by the authority of the said C.D.] the sum of [state sum in letters] being the amount which he is willing to pay in full settlement of all claims to compensation in the above-mentioned matter.

5. (a) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of the said C.D. during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said C.D.] were

(c) To the best of the knowledge and belief of the said C.D. the persons interested as dependants of the said A.B. are [state dependants, with their ages and relationship to deceased, so far as known].

6. The grounds on which the said C.D. denies his liability to pay compensation are as follows:—

Dated at this day of , 19 .

(Signed)

[Or

Solicitor or Agent for .]

To the Clerk of the District Court at

[NOTE.—A receipt for the money paid in with this praecipe is to be given on the usual form with the following addition:—“being the amount paid in, with denial of liability by C.D. in settlement of the claim of the dependants of A.B. for compensation in respect of an injury by accident resulting in his death.”]

Regs. 50, 51.

FORM 44.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTIES WHERE CLERK REFERS INTO COURT THE QUESTION OF ADEQUACY OF AMOUNT PAID INTO COURT UNDER REGULATION 50 OR 51.

[Heading as in Praecipe for Payment into Court.]

Take Notice that I have referred into Court the question of the adequacy of the amount paid into Court in this matter.

COMPENSATION—

And Further Take Notice that by order of the Court you are hereby summoned to attend before the District Court to be holden at on the day of , 19 , at the hour of in the noon, when the matter will be inquired into by the Court.

And that if you do not attend either in person or by your solicitor or agent on the day and at the hour above-mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

Dated at this day of , 19 . Clerk of the District Court at

To [the employer and the persons appearing, by the praecipe (Form 43), to be interested in the amount paid in].

Regs. 50, 51.

FORM 45.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE BY CLERK OF PAYMENT INTO COURT UNDER REGULATIONS 50 AND 51.

[Heading as in Praecipe for Payment into Court.]

Take Notice that the sum of has been paid into Court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into Court, such question, and all questions as to who are dependants, and the amount payable to such dependants, must be settled by arbitration in accordance with the above-mentioned Ordinance and the Regulations made thereunder.

If no question arises as to the adequacy of the amount paid into Court, any persons interested in the said sum may apply to the District Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with paragraph 5 of the First Schedule to the Workers' Compensation Ordinances 1941 and the Regulations made thereunder.

Dated at this day of , 19 . Clerk of the District Court at

To

Reg. 53.

FORM 46.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR ORDER FOR PAYMENT INTO COURT OF WEEKLY PAYMENT PAYABLE TO PERSON UNDER DISABILITY.

[Heading as in Award or Memorandum.]

Take Notice that I, [name and address of applicant], intend to apply to the District Court at on the day of 19 , at the hour of in the noon, for an order that the weekly payment payable in the above-mentioned matter to a person under legal disability [or to me] be during his [or my] disability paid into Court, and for consequential directions.

Dated at this day of , 19 . (Signed)

To the Clerk of the District Court at , and

To [the parties interested].

Workers' Compensation Regulations.

Reg. 54.

FORM 47.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR VARIATION OF ORDER OR AWARD.

[Heading as in Award or Memorandum.]

Take Notice that I, [name and address of applicant], intend to apply to the District Court at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon, for an order that the order of the Court [or the award] made in the above-mentioned matter on the _____ day of _____, 19____, as to the apportionment of the sum paid as compensation among the dependants of A.B. _____, deceased [or as to the manner in which the sum payable to _____, a dependant of A.B. _____, deceased, is to be invested, applied, or otherwise dealt with], may be varied by directing [here state variation claimed by applicant], and for consequential directions.

And Further Take Notice that the circumstances in which this application is made are [state particulars].

Dated at _____ this _____ day of _____, 19____.
(Signed) _____ Applicant.
[Or _____ Applicant's Solicitor.]
[Or _____ Agent.]

To the Clerk of the District Court at _____, and
To [all parties interested].

Reg. 57 (3.).

FORM 48.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION BY WORKER INTENDING TO TERMINATE HIS RESIDENCE IN THE TERRITORY FOR REFERENCE TO MEDICAL REFEREE.

In the District Court holden at _____

No. of Matter _____

In the matter of the Workers' Compensation Ordinances 1941

and

In the matter of an agreement [or an award] recorded in the above-mentioned Court as to the weekly payment to A.B. _____ of _____ by C.D. _____ of _____

Take Notice that A.B. _____ of _____, to whom under an agreement [or an award] in the above-mentioned matter recorded in this Court on the _____ day of _____, 19____, a weekly payment of _____ is payable by the above-mentioned C.D. as compensation for personal injury caused to the said A.B. _____ by accident arising out of and in the course of his employment, intends to terminate his residence in the Territory of New Guinea.

And that the said A.B. _____ intends to apply to the Clerk on _____ the _____ day of _____, 19____, at the hour of _____ in the _____ noon, for an order referring to a medical referee the question whether the incapacity of the said A.B. _____ resulting from the injury is likely to be of a permanent nature.

A report of a medical practitioner, setting out the nature of the incapacity of the said A.B. _____ resulting from the injury, is hereto annexed.

Dated at _____ this _____ day of _____, 19____.
(Signed) _____ Applicant.
[Or _____ Applicant's Solicitor.]
[Or _____ Agent.]

To the Clerk of the District Court at _____, and
To [the employer].

COMPENSATION—

Reg. 57 (6).

FORM 49.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
 ORDER OF REFERENCE TO MEDICAL REFEREE.
 [Heading as in Form 48.]

On the application of _____ of _____, a copy of which is hereto annexed, I hereby appoint _____ of _____, a medical referee appointed for the purposes of the *Workers' Compensation Ordinances 1941*, to examine the said [name of worker] and to give his certificate as to whether the incapacity of the said [name of worker] resulting from the injury is likely to be of a permanent nature or as to whether the absence of the worker from the Territory is desirable for recuperative purposes.

A copy [or Copies] of the report [or reports] of the medical practitioner [or practitioners] by whom the said _____ has been examined is [or are] hereto annexed. [And, if so, Copies of the statements submitted to me by the parties are also hereto annexed.]

The said _____, who is now at _____, has been directed to submit himself for examination by the referee.

I am satisfied that the said _____ is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[Or The said _____ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Clerk of the District Court at _____, on or before the _____ day of _____, 19____, specifying therein the nature of the incapacity of the said _____, resulting from the injury, and whether such incapacity is likely to be of a permanent nature or whether the absence of the worker from the Territory is desirable for recuperative purposes.

Dated at _____ this _____ day of _____, 19____.

By the Court,

Reg. 57 (7).

FORM 50.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
 ORDER DIRECTING INJURED WORKER TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE.
 [Heading as in Form 48.]

Take notice that I have appointed Dr. _____ of _____, a medical referee appointed for the purposes of the *Workers' Compensation Ordinances 1941*, to examine you in accordance with the application in the above-named matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [add, where the worker is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him].

Dated at _____ this _____ day of _____, 19____.

To _____ of _____

Clerk of the District Court at _____

Reg. 57 (9).

FORM 51.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
 CERTIFICATE OF MEDICAL REFEREE.
 [Heading as in Form 48.]

In accordance with the reference made to me by the Clerk of the District Court at _____ under regulation 57 of the *Workers' Compensation Regulations*, I have on the _____ day of _____, 19____, examined [name and address of worker], and I hereby certify that the nature of his incapacity is as follows:—

and is [or is not] likely to be of a permanent nature [or that the absence of the worker from the Territory is [or is not] desirable for recuperative purposes].

Dated at _____ this _____ day of _____, 19____.

Medical Referee.

Workers' Compensation Regulations.

REG. 57 (10.).

FORM 52.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
CERTIFICATE OF IDENTITY.

TO BE CAREFULLY PRESERVED.

NOTICE.—THIS CERTIFICATE IS NO SECURITY WHATEVER FOR A DEBT.
No. of Certificate.

[*Heading as in Award or Memorandum.*]

This is to certify that A.B. late of [address and description] is entitled to a weekly payment of from [name and address of employer] as compensation payable to the said A.B. in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A.B. for work.

And that the description of the said A.B. and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows:—

Age,
Height,
Hair,
Eyes,

Nature of incapacity,

[*Describe nature of incapacity, as in certificate of medical referee.*]

Dated at this day of , 19

Reg. 57 (10.).

FORM 53.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.

NOTICE TO BE GIVEN TO WORKER INTENDING TO TERMINATE HIS RESIDENCE IN THE TERRITORY.

[*Heading as in Award or Memorandum.*]

Take notice that if you desire to obtain payment of the weekly payments payable to you under the award [or memorandum] (a copy whereof is hereto annexed) while you are residing out of the Territory, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before any person having authority to administer an oath.

You must also attend before some such person and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above-mentioned.

You must then forward to me, at my office, situate at , the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payment due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

In the event of your death while residing out of the Territory, your representatives must, in order to obtain payment of the arrears due to you, forward to me, at my office, situate at , a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of the arrears, specifying the place where and the manner in which the arrears are to be transmitted to them.

COMPENSATION—

The expression "your representatives" means—

- (a) if you leave a will, the executors of the will; or
- (b) if you die intestate, the persons who are according to law entitled to your personal estate; and payment of the arrears may be made to those persons without the production of letters of administration.

Dated at _____ this _____ day of _____, 19 ____ .
Clerk of the District Court at _____
To A.B. _____ of [address and description].

Reg. 57 (10), (11.).

FORM 54.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

FORM OF MEDICAL CERTIFICATE TO BE OBTAINED BY WORKER
RESIDING OUT OF THE TERRITORY.

[Heading as in Award or Memorandum.]

I, [name, address, and medical qualification of medical practitioner]; hereby certify that I have this day examined A.B. _____ of _____, whom I conscientiously believe to be the same person as A.B. _____ of _____, described in the copy certificate of the medical referee in the above-mentioned matter, dated the _____ day of _____, 19 ____ , and in the certificate of identity dated the _____ day of _____, 19 ____ , produced to me by the said A.B. _____; and that in my opinion the incapacity of the said A.B. _____ resulting from the injury described in the said certificate of the medical referee still continues.

Dated this _____ day of _____, 19 ____ , [Signature.]

Declared at _____ this _____ day of _____, 19 ____ , in the presence of the said A.B. _____, the copy of the certificate of the medical referee and the certificate of identity above-mentioned being at the same time produced.

Before me—
[Signature and description of person
before whom the declaration is made.]

Reg. 57 (10.), (12.).

FORM 55.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

DECLARATION OF IDENTITY BY WORKER RESIDING OUT OF THE
TERRITORY.

[Heading as in Award or Memorandum.]

I, A.B. _____ of _____, hereby declare that I am the same person as A.B. _____ of _____ described in the copy of the certificate of the medical referee in the above-mentioned matter, dated the _____ day of _____, 19 ____ , now produced by me, and in the certificate of identity, dated the _____ day of _____, 19 ____ , now produced by me, and the same person as A.B. _____ of _____ described in the certificate of _____ declared by the said _____ in my presence on the _____ day of _____, 19 ____ , and now produced by me.

(Signed) A.B.

Declared at _____ this _____ day of _____, 19 ____ , the certificates above-mentioned being at the same time produced.

Before me—
[Signature and description of person
before whom the declaration is made.]

Workers' Compensation Regulations.

Reg. 57 (13.).

FORM 56.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

REQUEST FOR TRANSMISSION OF AMOUNT OF WEEKLY PAYMENTS
BY WORKER RESIDING OUT OF THE TERRITORY.

[*Heading as in Award or Memorandum.*]

Sir,

I herewith enclose medical certificate and declaration of identity, and request that the amount of the weekly payments due to me in the above-mentioned matter may be transmitted to me at [*give full address and state how transmission to be made, as by Post Office order payable at [name of post office] or by bankers' draft on the name and address of bank.*]

[*To be signed by the worker in his own handwriting.*]

To the Clerk of the District Court at

Reg. 57 (15.).

FORM 57.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE BY CLERK TO EMPLOYER OF RECEIPT OF MEDICAL
CERTIFICATE AND DECLARATION OF IDENTITY.

[*Heading as in Award or Memorandum.*]

Take notice that I have received proof of identity and of continuance of incapacity in the above-mentioned matter.

And I have to request you to forward the sum of _____, being the amount of weekly payments payable to A.B. _____ under the above-mentioned award [*or memorandum*] from [*the date to which they were last paid*] to [*13 weeks from that date*] to me, to be by me transmitted to the said A.B.

Dated at _____ this _____ day of _____, 19 _____.

Clerk of the District Court at

To [*name and address of employer*].

Reg. 63.

FORM 58.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE OF APPLICATION FOR DETERMINATION OF AMOUNT OF
SOLICITOR'S OR AGENT'S COSTS.

[*Heading as in Award or Memorandum.*]

Take notice that I intend to apply to the District Court at _____ on _____ the _____ day of _____, 19 _____, at the hour of _____ o'clock in the _____ noon, to determine the amount of costs to be paid to me as solicitor [*or agent*] for you, A.B. _____, in the above-mentioned matter; and for an order declaring that I am entitled to recover such amount from the person for whom I acted or to a lien for such amount on or to deduct such amount from the sum awarded or agreed as compensation to you the said A.B. _____ in the above-mentioned matter, and for consequential directions.

Dated at _____ this _____ day of _____, 19 _____.

Applicant.

To the Clerk of the District Court at _____, and

To A.B. _____ of _____

COMPENSATION—

Reg. 70 (2.).

FORM 59.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE ORDINANCE.

In the matter of a claim for compensation made by A.B. of against C.D. of

[*or, where an arbitration is pending,*

In the matter of an arbitration between A.B. of [address] [description] Applicant,

and

C.D. of [address] [description] Respondent.]

[*or, where application is made after weekly payment has been settled,*

In the matter of an agreement [or a decision or award] recorded in the above-mentioned Court as to the weekly payment payable to A.B. of by C.D. of

Application is hereby made to the District Court on behalf of the above-named A.B. and C.D. for a reference in the above-mentioned matter to a medical referee pursuant to paragraph 10 of the First Schedule to the above-mentioned Ordinance under the following circumstances:—

1. On the day of , 19 , notice was given by [or on behalf of] the above-mentioned A.B. to the above-mentioned C.D. of personal injury caused to the said A.B. by accident arising out of and in the course of his employment, in respect of which injury the said A.B. claims compensation from the said C.D. under the said Ordinance.]

[*or, where an arbitration is pending,*

1. An arbitration under the said Ordinance is pending between the above-mentioned A.B. and the above-mentioned C.D. as to the amount of compensation payable to the said A.B. under the said Ordinance in respect of personal injury caused to him by accident arising out of and in the course of his employment.]

[*or, where weekly payment has been settled,*

1. Under an agreement [or a decision or award] in the above-mentioned matter, recorded in this District Court on the day of , 19 , a weekly payment is payable to the above-mentioned A.B. by the above-mentioned C.D. as compensation in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment.]

2. The weekly payment claimed by [or payable to] the said A.B. is

3. A question has [or Questions have] arisen between the said A.B. and the said C.D. as to the condition [or fitness for employment] of the said A.B. [or as to whether [or to what extent] the incapacity of the said A.B. is due to the accident], [or as to the condition [or fitness for employment] of the said A.B. and as to whether [or to what extent] the incapacity of the said A.B. is due to the accident], and no agreement can be come to between the said C.D. and the said A.B. with reference to such question [or questions].

4. The said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. [or has been examined by a medical practitioner selected by himself] [or if so, the said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. and has also been examined by a medical practitioner selected by himself], and a copy of the report of the said practitioner is [or copies of the reports of the said practitioners are] annexed to this application.

The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said A.B. and his fitness for employment, specifying, where necessary,

Workers' Compensation Regulations.

the kind of employment for which he is fit [or for his certificate whether [or to what extent] the incapacity of the said A.B. is due to the accident] [or for his certificate as to the condition of the said A.B. and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said A.B. is due to the accident].

Dated at _____ this _____ day of _____, 19 _____
[Or _____ (Signed) _____ Applicant, Applicant's Solicitor.]
[Or _____ C.D. Solicitor for C.D.]
To the Clerk of the District Court at _____

Reg. 70 (4.).

FORM 60.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

ORDER OF REFERENCE UNDER PARAGRAPH 10 OF THE FIRST SCHEDULE TO THE ORDINANCE.

[Heading as in Application.]

On the application of A.B. _____ of _____ and C.D. _____ of _____ (a copy of which is hereto annexed), I hereby appoint _____ of _____, a medical referee appointed for the purposes of the *Workers' Compensation Ordinances 1941*, to examine the said [name of worker], and to give his certificate as to the condition of the said _____ and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit [or his certificate whether [or to what extent] the incapacity of the said _____ is due to the accident] [or his certificate as to the condition of the said _____ and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said _____ is due to the accident.]

Copies of the reports of the medical practitioner by whom the said _____ has been examined are hereto annexed.

The said _____, who is now at _____, has been directed to submit himself for examination by the referee.

I am satisfied that the said _____ is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[or The said _____ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate by registered post to the Clerk at the Office of the District Court situate at _____ on or before the _____ day of _____, 19 _____

Dated at _____ this _____ day of _____, 19 _____
Clerk of the District Court at _____

Reg. 70 (5.).

FORM 61.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

ORDER DIRECTING INJURED WORKER TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE.

[Heading as in Application.]

To A.B. _____ of [address and description].

Take notice that I have appointed _____ of _____ a medical referee appointed for the purposes of the *Workers' Compensation Ordinances 1941*, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [add, where worker is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him].

Dated at _____ this _____ day of _____, 19 _____
Clerk of the District Court at _____

COMPENSATION—

Reg. 70 (8.).

[Front of Form.]

FORM 62.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

CERTIFICATE OF MEDICAL REFEREE OR REPORT OF MEDICAL PRACTITIONER.

I, _____, a medical referee appointed under the Workers' Compensation Ordinances 1941, [or medical practitioner,] have this day examined _____ of _____, a claimant for compensation under the above-named Ordinance.

On examination, I find and certify [or report] that the claimant is suffering from

(a)

The above condition is the result of

(b)

and is such that the claimant is thereby incapacitated at present to the extent of _____ per centum of total incapacity at his usual occupation, and _____ per centum of total incapacity in the general labour market. The claimant is fit to undertake employment in such occupations as

(c) The above condition is the result of _____, an industrial disease mentioned in the first column of the Fourth Schedule to the above-named Ordinance. Such disease ^{was} ~~was not~~ caused within twelve months prior to the date of claimant's becoming incapacitated by his employment by _____ in the process of

In my opinion, the claimant ^{has} ~~has not~~ previously suffered from the above-mentioned industrial disease. The disease ^{is} ~~is not~~ of such a nature as is contracted by a gradual process.

General remarks—

Medical Referee.
Medical Practitioner.

Date / /19

(a) Fully describe claimant's condition.

(b) State whether accident or industrial disease.

(c) This part to be filled in only in case of claimant suffering from an industrial disease.

Attention is invited to the provisions of the Third and Fourth Schedules to the Ordinance, copies of which are shown on the back of this form.

Reg. 70 (9.).

FORM 63.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

NOTICE TO PARTIES OF CERTIFICATE OF MEDICAL REFEREE.

[Heading as in Form 59.]

Take notice that I have received the certificate of the medical referee appointed in this matter, and that you may inspect it during office hours at my office situate at _____, and may on request and at your own cost be furnished with or take a copy thereof.

Dated at _____ this _____ day of _____, 19

_____, Clerk of the District Court at

To _____, and

To _____

COMPENSATION—

Reg. 75 (2.).

FORM 67.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
AUTHORITY TO AGENT.

[Heading as in Application for Arbitration.]

I hereby authorize [full name], whose signature appears in the margin hereof, of [address and description], to appear and act on my behalf in any proceeding connected with the question or matter which I propose to bring before the District Court at _____, for determination.

Dated at _____ this _____ day of _____, 19____
[Name of party.]
[Address.]
[Description.]

Reg. 83 (2.).

FORM 68.

TERRITORY OF NEW GUINEA.
Workers' Compensation Ordinances 1941.
SPECIAL REGISTER.

No. of matter.	Title.	Date of proceedings.	Nature.
1	In the matter of an arbitration between A.B., of etc., Applicant, and C.D., of etc., Respondent.	[Give dates]	Request for arbitration filed, and copy sent to _____ Day for arbitration fixed. Notice of day fixed sent to applicant, and notice with copy request sent to respondent by registered post. Respondent's answer filed; copy sent to applicant. Arbitration held; _____ appointed as medical referee to report; further hearing adjourned. Report of medical referee received; notice given to the parties. Further hearing. Award made as follows:— [enter minute of award]. £ _____ for costs paid into Court by respondents. £ _____ for costs paid to applicant's solicitor.
2	In the matter of an agreement between A.B., of etc., and E.F., of etc.		Memorandum of agreement as to compensation, signed by A.B., left to be recorded. Notice and copy memorandum sent by post to E.F. Notice received from E.F. disputing memorandum. Notice sent to A.B. that memorandum is disputed, and will not be recorded without consent in writing of E.F., or order of the Court. Application on behalf of A.B. that memorandum be recorded. Application heard, and order made that memorandum be recorded with alterations. Memorandum recorded as follows:—[set out memorandum]. Execution issued for costs. etc. etc. etc.

Workers' Compensation Regulations.

Reg. 85.

FORM 69.

TERRITORY OF NEW GUINEA.

Workers' Compensation Ordinances 1941.

RETURN OF INSURANCES EFFECTED BY EMPLOYERS DURING THE
YEAR ENDING 30TH JUNE, 19

The Crown Law Officer,
Crown Law Office,
RABAUL.

In accordance with regulation 87 of the *Workers' Compensation Regulations*, the^(a) furnishes the following return in respect of insurances effected by employers during the year ending on the 30th day of June, 19 :—

Name of employer indemnified.	Establishment or industry.	Number of employees covered.	Amount of premium.	Date to which premium paid.	Number of injuries.	Compensation paid.

Secretary [or Manager] of the Insurer.
Date

(a) Name of insurer.

Reg. 59.

**THE SECOND SCHEDULE.
SCALE OF COSTS.**

Proceedings or matter.	Where the subject matter does exceed £30. (2) (Lowest scale.)	Where the subject matter exceeds £30 but does not exceed £100. (Second scale.)	Where the subject matter exceeds £100. (Highest scale.)
	£ s. d.	£ s. d.	£ s. d.
(a) <i>Costs generally</i> —			
Instructions for application for arbitration, preparing, and filing application	0 16 8	1 17 6	2 10 0
Preparing answer of respondent or any other notice and filing or service of same	0 13 4	1 10 0	2 0 0
Preparing case for applicant or respondent	2 0 0	3 15 0	5 0 0
Letter before arbitration .. .	0 3 6	0 3 6	0 3 6
Attending arbitration—			
For first three hours or portion thereof	3 0 0	5 0 0	7 0 0
For each subsequent hour or portion of an hour	0 6 8	0 15 0	1 0 0

(3) The words "does exceed £30" appeared in the Regulations as published in *N.G. Gaz.* The word "not" has now been inserted after the word "does" by the Third Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

COMPENSATION—

SCALE OF COSTS—*continued.*

Proceedings or matter.	Where the subject matter does exceed £30. (*) (Lowest scale.)	Where the subject matter exceeds £30 but does not exceed £100. (Second scale.)	Where the subject matter exceeds £100. (Highest scale.)
	£ s. d.	£ s. d.	£ s. d.
(a) <i>Costs generally—continued.</i>			
Attending arbitration— <i>continued.</i>			
Preparing any other necessary or proper notice not otherwise provided for herein ..	0 1 6	0 1 6	0 1 6
Preparing and filing any necessary or proper application to the Court not provided for herein, including copies of documents, filing, and service ..	0 3 6	0 7 6	0 10 0
Preparing any memorandum under the Second Schedule to the Ordinance and filing it ..	0 10 0	1 0 0	1 10 0
Preparing any other necessary or proper document not otherwise provided for herein and filing it	0 5 0	0 7 6	0 10 0
Notice of payment to Treasurer and filing it ..	0 5 0	0 7 6	0 10 0
In any other matter for which no provision is made herein, the costs shall not exceed those allowable in the District Court if the matter arose in a complaint in that Court.			
(b) <i>Court fees, bailiffs' fees, witnesses' fees—</i>			
The Court fees, bailiffs' fees, and witnesses' fees and mileage which may be included in any costs awarded shall not exceed the amounts respectively specified in the Third, Fourth, and Fifth Schedules to these Regulations.			
(c) <i>Disbursements—</i>			
Actual disbursements not otherwise provided for in these Regulations may, if in the opinion of the District Court necessary in the circumstances of the particular case, be allowed.			

Reg. 65.

THE THIRD SCHEDULE.

COURT FEES PAYABLE ON PROCEEDINGS UNDER THE WORKERS' COMPENSATION ORDINANCES 1941.

1. On an order adding a respondent under regulation 34	£ s. d. 0 5 0
2. On an application to rectify the register or to remove a record from the register under paragraph (c) or (e) of the proviso to paragraph 7 of the Second Schedule to the Ordinance and regulation 43 or 45	0 5 0

(3) The words "does exceed £30" appeared in the Regulations as published in *N.G. Gaz.* The word "not" has now been inserted after the word "does" by the Third Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

Workers' Compensation Regulations.

	£	s.	d.
3. On an application for the suspension of the right to compensation or to take proceedings, or of the right to weekly payments under paragraph 4, 9, or 10 of the First Schedule to the Ordinance and regulation 47	0	5	0
4. On a payment into Court under regulation 46, 49, 50, or 51	0	5	0
5. On an application for investment or direction of the District Court under paragraph 5 of the First Schedule to the Ordinance and regulation 49, 50, or 56	0	5	0
6. On an application for the payment of weekly payments into Court under paragraph 6 of the First Schedule to the Ordinance and regulation 53 (3.)	0	5	0
7. On an application for the variation of an order under paragraph 8 of the First Schedule to the Ordinance and regulation 54	0	5	0
8. The fee mentioned in the last preceding item is not to be taken on an application under the liberty to apply reserved by regulation 49 (12.), but on any such application there shall be allowed a fee (which shall be deducted from the fund to which the application relates) of	0	2	6
9. For every investment made by the Clerk of the District Court, including the payment out or application of a sum allotted to any person by weekly or other periodical payments (charged once only and to be deducted from the sum ordered to be invested or allotted): For every £10 or part of £10 invested, but so that the total fee shall not exceed £5	0	2	6
10. On an application for a reference to a medical referee under paragraph 13 of the First Schedule to the Ordinance and regulation 57	0	5	0
11. For a certificate of identity under regulation 57 (10.) (c)	0	5	0
12. For receiving and transmitting any sum due to a worker residing out of the Territory under regulation 57 (15.) (to be deducted from the sum to be transmitted)	0	5	0
13. On an application to the District Court under regulation 63 (2.)-(4.) at a date subsequent to the hearing of the arbitration	0	5	0
14. On an application to the District Court under regulation 64 (e) other than an application for an order for execution to issue	0	5	0
15. On an application to set aside or vary an award or order under regulation 68	0	5	0
16. For a certificate of an award or order under regulation 33	0	5	0
17. On any other proceeding not herein specified, for which, if such proceeding were taken in a complaint in the District Court, a fee would be payable if such proceeding were taken in a complaint.			

Reg. 66.

THE FOURTH SCHEDULE.

BAILIFFS' FEES.

	£	s.	d.
For serving summons or notice at request of any party and making affidavit of service if service is made	0	3	0
For every levy or caption	0	4	0
For every mile, or fraction of a mile over two miles, from the District Court which he travels to serve summons or execute other process, but not counting the return journey, such sum as is fixed by the District Court not exceeding	0	2	0
For possession money such sum as is fixed by the District Court not exceeding per day	0	10	0

COMPENSATION—

Reg. 67.

THE FIFTH SCHEDULE.
WITNESSES' EXPENSES.

Class of witnesses.	Allowance per day.	
	Ordinary.	Additional for non-local residents.
	£ s. d.	£ s. d.
1. Professional, including—		
Accountants (carrying on business as principals) ..	} 1 1 0 to 3 3 0	0 5 0 to 1 10 0
Architects		
Dentists		
Engineers or surveyors		
Legal practitioners		
Medical practitioners		
2. Graziers, planters, merchants, bankers, accountants, auctioneers, or the like	-0 10 6 to 2 2 0	0 5 0 to 1 5 0
3. Police inspectors, journalists, tradesmen, artisans, mechanics, master mariners, farmers, clerks, or the like	0 7 6 to 1 10 0	0 2 6 to 0 15 0
4. Warrant officers of police, apprentices, sailors, labourers, or the like	0 5 0 1 0 0	0 2 0 to 0 10 0
5. Female witnesses not elsewhere included, according to station in life	0 2 6 to 3 3 0	0 2 0 to 1 10 0

A witness shall be deemed to be a non-local resident where he resides at a place more than five miles, and does not ordinarily proceed to a place of practice or business or employment within that distance, from the Court.

In addition to the above allowances, a witness who is a non-local resident may be allowed such sum as the Court considers reasonable to provide for actual expenses of conveyance to and from the place where the arbitration takes place, excluding any charge for maintenance or sustenance.