

# ADMINISTRATION EMPLOYEES' COMPENSATION REGULATIONS.<sup>(1)</sup>

## Regulations 1939, No. 12.

Short title.

1. These Regulations may be cited as the *Administration Employees' Compensation Regulations*.<sup>(1)</sup>

Definitions.

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

“the Ordinance” means the *Administration Employees' Compensation Ordinance 1939*.

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

Claim by employee.

3. Any employee claiming compensation under the Ordinance shall send by post in a registered letter properly addressed to the Government Secretary, or deliver to the officer in charge of the work on which the employee was employed at the time of the accident, a claim for compensation in accordance with Form A.

Claim by dependant.

4. Any dependant claiming compensation under the Ordinance in respect of the death of an employee shall send by post in a registered letter properly addressed to the Government Secretary, or deliver to the officer in charge of the work on which the employee was employed at the time of the accident, a claim for compensation in accordance with Form B.

Fee to medical referee.

5. The fee payable to a medical referee other than a medical practitioner in the Public Service of the Territory shall be as follows:—

For the first examination, Two pounds;

For a subsequent examination, One pound.

Medical examinations.

6. The medical referee or medical board to whom any matter is referred shall give a certificate in accordance with Form C and shall forward the certificate to the Commissioner as soon as possible after the examination.

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	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>Administration Employees' Compensation Ordinance 1939</i>	7.9.1939	14.9.1939	14.9.1939 ( <i>N.G. Gaz.</i> of 14.9.1939)

*Administration Employees' Compensation Regulations.*

7. When an employee has made a claim for compensation or is receiving weekly payments under the Ordinance, he shall not be required, after a period of one month has elapsed from the date on which the first payment of compensation was made, to submit himself against his will for examination by a medical referee or a medical board, except, at reasonable hours, once a week during the second month, once a month during the third, fourth, fifth, and sixth months, and once in every two months after the sixth month, after the date of the first payment.

Frequency of medical examinations.

8. Where an employee is required by the Commissioner in pursuance of section 16 of the Ordinance to submit himself for examination by a medical board, any nomination by the employee of a duly qualified medical practitioner as one of the members of the board shall be lodged with the Commissioner within seven days of the date of the notification by the Commissioner to the employee requiring him to submit himself for examination.

Nomination by employee of representative on medical board.

9. The Commissioner may, from time to time, appoint such medical boards as may be required.

Appointment of medical boards.

10.—(1.) An appeal to the Supreme Court under section 17 of the Ordinance may be instituted by notice of appeal in accordance with this regulation.

Appeals.

(2.) The person appealing shall, within thirty days of the date of the determination or the taking of the action appealed against, serve the notice of appeal on the Commissioner and shall file a copy of the notice of appeal in the Registry of the Supreme Court.

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

(4.) Any person who intends to apply to the Supreme Court for extension of the time for appeal shall serve on the Commissioner not less than seven days' notice of his intention so to apply.

(5.) Where upon any application referred to in the last preceding sub-regulation the Supreme Court extends the time for appeal, the person appealing shall serve on the Commissioner the notice of appeal together with a copy of the order of the Supreme Court extending the time for appeal.

(6.) Unless the Supreme Court otherwise orders, the date fixed for the hearing of the appeal shall be not less than thirty days after the service on the Commissioner of the notice of appeal.

(7.) The Rules of the Supreme Court shall, subject to these Regulations, apply to the appeal so far as they are applicable.

11.—(1.) The allowance of costs of and incidental to an application for an extension of the time for appeal, or of and incidental to any appeal, under section 17 of the Ordinance, including an adjournment, to be paid by one party to another, shall be in the discretion of

Costs of appeal.

PUBLIC SERVICE—

the Supreme Court, which shall have full power to allow or disallow the costs.

(2.) Where the Supreme Court allows costs under the last preceding sub-regulation, it shall make an order directing by whom and to whom the costs are to be paid, and, if the amount of the costs is not fixed by agreement between the parties, the Supreme Court shall fix the amount of the costs, or direct that the amount be taxed, in accordance with the provisions of the next succeeding sub-regulation.

(3.) The amount of costs shall be fixed or taxed in accordance with the following provisions:—

(a) The fees which may be allowed to a solicitor or counsel or to solicitor and counsel shall not exceed the amounts set out in the following scale:—

	£	s.	d.
Instructions for application for extension of time for appeal, preparing, filing, and serving notice of application, and all other services in connection with the application rendered prior to the hearing of the application .. .. .	1	1	0
Instructions to oppose application for extension of time for appeal and all other services in connection with the opposition thereto rendered prior to the hearing of the application .. .. .	1	1	0
Attendance of solicitor or counsel, or solicitor and counsel, on the hearing of the application .. .. .	1	1	0
Instructions to appeal, preparing, filing, and serving notice of appeal, and all other services in connection with the appeal rendered prior to the hearing of the appeal	2	2	0
Instructions to oppose appeal and all other services in connection with the opposition thereto rendered prior to the hearing of the appeal .. .. .	2	2	0
Attendance of solicitor or counsel, or solicitor and counsel, on the hearing of the appeal—			
For first five hours or portion thereof	5	5	0
For each subsequent hour or portion of an hour .. .. .	1	1	0
Any other necessary appearance before the Supreme Court of solicitor or counsel, or solicitor and counsel .. .. .	1	1	0

*Administration Employees' Compensation Regulations.*

£ s. d.

Preparing bill of costs for taxation, filing  
and serving bill, attending taxation and  
for allocatur, and all other services rendered  
in connection with the taxation of  
costs .. .. . 13 4

- (b) Expenses and mileage for the attendance of parties or witnesses may be allowed at rates not exceeding the rates ordinarily allowable for the attendance of parties and witnesses in an action in the Supreme Court;
- (c) Disbursements which in the opinion of the Supreme Court or taxing officer have been properly made may be allowed.

(4.) An order for the payment of costs made by the Supreme Court in pursuance of this regulation shall have the same force and effect in all respects as a judgment of the Supreme Court, and the like proceedings, including proceedings in insolvency, may be taken upon the order as if it had been a judgment of the Supreme Court for the amount of the costs.

12. As soon as practicable after the thirtieth day of June in each year, the Commissioner shall furnish to the Administrator a correct return specifying—

Returns by  
Commissioner  
to  
Administrator.

- (a) the number of cases in respect of which compensation has been paid under the Ordinance during the previous year;
- (b) the amount of compensation paid during that year; and
- (c) the amount paid in respect of medical, surgical, and hospital treatment and burial expenses during that year.

13.—(1.) In cases where the Ordinance provides that any amount of compensation shall be paid to the Commissioner and invested or applied or dealt with by him, in such manner as he thinks fit, for the benefit of the persons entitled thereto, the amount may be paid to such trustee or trustees as the Commissioner may appoint and the amount so paid shall be held for the benefit of the person entitled thereto, upon such trusts as may be approved by the Commissioner.

Payment of  
compensation  
to trustees.

(2.) Where any determination is varied by the Commissioner in pursuance of clause 9 of the First Schedule to the Ordinance, any trust created under this regulation shall cease and determine as from the date of the variation, and any trust moneys then held shall be dealt with in such manner as the Commissioner directs:

Provided that the determination of a trust by operation of this sub-regulation shall not prejudice any right of action against a trustee in respect of any act or omission occurring prior to the date of the variation.

PUBLIC SERVICE—

THE SCHEDULE.

TERRITORY OF NEW GUINEA.

Reg. 3.

FORM A.

*Administration Employees' Compensation Ordinance 1939.*

CLAIM FOR COMPENSATION.

CLAIM BY INCAPACITATED EMPLOYEE.

To<sup>(a)</sup>

I, [here write full name] of  
 [here write full address]  
 hereby claim compensation under the *Administration Employees' Compensation Ordinance 1939* 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.
In what capacity and by what Department 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 the disease? (d) what was the nature of your employment and for what period were you engaged thereon? (e) if you have previously suffered from the 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 the Administration or any person for compensation, or for any payment in respect of the injury under any other law in force in the Territory or any other place?	

(a) The claim should be addressed to the Government Secretary or to the officer in charge of the work on which the employee was employed at the time of the accident.



PUBLIC SERVICE—

Questions and requests for information.	Replies.
Was notice of the incapacity or accident served? If so, on whom and on what date?	
What is your relationship to the deceased employee?	
Were you dependent upon his earnings at the time of his death? If so, state whether you were wholly dependent.	
If you were only in part dependent, give full particulars.	
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? If so, give full particulars.	
Are you in receipt of an invalid or old-age pension? If so, give full particulars.	
Are you receiving or entitled to receive any payment under any law other than the <i>Administration Employees' Compensation Ordinance</i> 1939 in respect of the death of the employee? If so, give full particulars.	
Give the names, addresses, and relationships to the employee of all other persons, except children, known to you, who were dependent upon his earnings at the time of his death.	
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 the Administration or any person for compensation, or for any payment in respect of the injury under any other law in force in the Territory or any other place?	

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

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Signature of declarant:

Before me:

Administration Employees' Compensation Regulations.

TERRITORY OF NEW GUINEA.

Reg. 6.

FORM C.

Administration Employees' Compensation Ordinance 1939.

REPORT OF MEDICAL REFEREE OR MEDICAL BOARD.

(a) I, We, a (a) medical referee medical board under the Administration Employees' Compensation Ordinance 1939, have this day examined of whose signature appears in the margin of this form, a claimant for compensation under that Ordinance. On examination—

(a) I We find that the claimant is about years of age and is suffering from (b)

The above condition is the result of (c) , 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. Claimant is fit to undertake employment in such occupations as

(d) The above condition is the result of , an industrial disease mentioned in the first column of the Second Schedule to that Ordinance. Such disease (a) was was not caused within twelve months prior to the date of claimant's becoming incapacitated by his employment by the Administration in the process of

In (a) my our opinion claimant (a) has has not previously suffered from the above-mentioned industrial disease. The disease (a) is is not of such a nature as is contracted by a gradual process.

General remarks:—

(a) Medical Referee. Medical Board.

Date: , 19

Signature of Claimant:

- (a) Strike out whichever is inapplicable,
(b) Fully describe claimant's general condition.
(c) State whether accident or industrial disease.
(d) This part to be filled in only in case of claimant suffering from an industrial disease. Attention is invited to the provisions of the Second and Third Schedules to the Ordinance.