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THE WORKERS' COMPENSATION ACT, 1912.

RULES OF COURT.

Crown Law Department,

Perth, 18th February, 1913.

HIS Excellency the Governor in Executive Council has been pleased to make the following Rules of Court under "The Local Courts Act, 1904," for regulating the practice of Local Courts, and magistrates and officers of Local Courts, under "The Workers' Compensation Act, 1912."

H. G. HAMPTON,

Under Secretary for Law.

RULES OF COURT.

FOR REGULATING THE PRACTICE OF LOCAL COURTS UNDER THE WORKERS' COMPENSATION ACT, 1912.

Preliminary.

1. (1.) The Regulations under the Workers' Compensation Act, 1902, published in a supplement to the *Government Gazette* on the 26th day of August, 1905, and Order XXXVI. of the Local Court Rules, 1905, and Part II. of the appendix thereto, are hereby annulled, but shall continue to apply to cases where the accident happened before the commencement of "The Workers' Compensation Act, 1912." except so far as the provisions of that Act and of these rules relating to references to medical referees and proceedings consequential thereon apply to those cases.

(2.) These rules shall have effect under "The Workers' Compensation Act, 1912" (in these rules referred to as the Act) with reference to any matter or proceeding in a Local Court for the regulation of which rules of Court may be made, and generally for carrying the Act into effect so far as it affects Local Courts and proceedings therein.

(3.) These rules may be cited as the Local Court (Workers' Compensation) Rules, 1913.

(4.) These rules shall not, except so far as they relate to references to medical referees and proceedings consequential thereon, apply to any case where the accident happened before the commencement of the Act.

(5.) Expressions used in these rules shall have the same meaning as the same expressions used in the Act, and in "The Local Courts Act, 1904," and the rules thereunder.

(6.) These rules shall also be read and construed with the Local Court Rules, 1905, and the Local Court Rules of subsequent date amending the same; and any order and rule referred to by number in these rules shall mean the order and rule so numbered in the Local Court Rules 1905, or in any Local Court rules of subsequent date, as the case may be, and subject to these rules the Local Court rules in force for the time being shall, *mutatis mutandis*, apply to proceedings under the Act.

Parties to Proceedings.

2. (1.) When application is made for the determination by the Court of any matter which under the Act is to be heard and determined by the Court, the party making such application shall be called "the applicant"; and, subject to these rules, all other persons whose presence at the hearing may be necessary to enable the Court effectively and completely to adjudicate upon and determine 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 as defined by the Act and a contractor with him are alleged to be liable to pay compensation under the Act, Order III., Rule 2, as to joinder of parties, shall apply.

Joinder of Applicants.

3. More persons than one may be joined as applicants in any case in which such persons might be joined in one action as plaintiffs under Order III., Rule 1; and that rule shall, with the necessary modifications, apply.

Application by Dependants.

4. (1.) An application on behalf of the dependants of a deceased worker for the determination by the Court of the amount payable as compensation to such dependants may be made by the legal personal representatives, 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 hereinafter mentioned shall contain particulars as to the dependants on whose behalf the application is made.

(2.) Provided that, if 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.) In the construction of this rule the term "dependants" shall include persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

Application by dependants where amount of compensation agreed or ascertained.

5. (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 determination of such question by the Court 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 such 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 who may be entitled to claim to be dependants, as are not applicants.

(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 shall direct, and thereupon further proceedings against him shall be stayed.

(4.) The clerk shall 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 5 (c) of Rule 18.

Parties to proceedings as to sum payable for medical attendance and burial.

6. (1.) An application for the determination by the Court of the sum payable in respect 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. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. In the latter case any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

(2.) In any case in which application is made for the determination by the Court of such amount, the amount ordered to be paid, if insufficient for the payment of such expenses in full, shall be apportioned between the persons to whom such expenses are due, in such manner as the Court shall direct.

Parties under disability and partners; representation of parties having the same interest.

7. The provisions of Rules 7 and 8 of Order III. as to parties suing or defending on behalf of other persons having the same interest, and the provisions

of the Local Court rules as to persons under disability and partners suing and being sued, shall, with the necessary modifications, apply to proceedings under the Act.

Applications to Court.

8. (1.) An application for the determination of any matter by the Court shall not be made unless and until some question has arisen between the parties, and such question has not been settled by agreement.

(2.) Where any question has arisen and has not been settled by agreement, an application for the determination of the matter by the Court shall be made by the applicant filing with the clerk a request for an adjudication, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register hereinafter mentioned.

(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.

9. (1.) The request and particulars shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

(2.) A copy of the notice of the accident shall be appended or annexed to the particulars. If this rule cannot be complied with, the reason for the omission shall be stated in the particulars.

Application by employer.

10. (1.) Where an employer on whom a claim for compensation has been made desires to make an application for the hearing and determination of any matter by the Court, he shall file a request in accordance with Rule 8, 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 was made, shall be respondents.

(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 such 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 determined by the Court; 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.

Copies for Court and Respondents.

11. The applicant shall deliver to the clerk with the request and particulars a copy thereof for the Court, and a copy for each respondent to be served.

Where Applicant is illiterate.

12. Where the applicant is illiterate and unable to furnish the required information in writing the request and particulars and copies shall be filled up by the clerk.

Fixing Day for Hearing.

13. On the filing of a request the clerk shall, as soon as conveniently may be, appoint a day and hour for proceeding with the matter. Such day shall be so fixed as to allow the copies of the request and particulars to be served on the respondents at least twenty clear days before the day so fixed.

Notice of day fixed.

14. (1.) On the day for proceeding with the matter being fixed, the clerk shall give or send by post notice in writing to the applicant, stating the place at which and the day and hour on and at which the matter will be proceeded with, and shall issue the copies of the request and particulars, under the seal of the Court, for service on the respondents, together with notices under the seal of the Court, stating the place at which and the day and hour on and at which the matter will be proceeded with and that if the respondents do not attend in person or by their solicitors such order will be made and proceedings taken as the Court may think just and expedient.

(2.) Where the request is filed by an employer, the notices 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.

Service on Respondents.

15. (1.) The copies and notices mentioned in the last preceding rule shall be served on the respondents at least twenty clear days before the day fixed for proceeding with the matter.

(2.) The copies and notices mentioned in the last preceding rule may be served in accordance with the rules as to service of ordinary summonses.

Stay of Proceedings.

16. Where several requests are filed by different applicants against the same respondent in the same Court, in respect of matters arising out of the same circumstances, the respondent may, on filing an undertaking to be bound so far as his liability to pay compensation is concerned, by the order in such one of the said matters as may be selected by the Court, apply to the Court under Order VIII., Rule 2, for an order to stay proceedings in the matters other than the one so selected until an order is made in such selected matter; and Rules 2 to 6 of Order VIII. shall, with the necessary modifications, apply accordingly.

Answer by Respondent.

17. (1.) If any respondent desires to disclaim any interest in the subject matter of the proceedings, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the Court, or intends to rely on the fact that notice of the accident, or of death, disablement, or suspension was not given as required by the Act, or that the claim for compensation was not made within the time

limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall seven clear days at least before the day fixed for proceeding with the matter, file with the clerk an answer, stating his name and address, and the name and address of his solicitor (if any), and stating that he disclaims any interest in the subject matter of the proceedings, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the Court, or on which he intends to rely, or the grounds on and extent to which he denies liability.

(2.) The respondent shall, with such answer, file copies thereof for the applicant and the Court, and one copy for each of the other respondents (if any) and the clerk shall transmit a copy by post to the applicant and the other respondents respectively.

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

(4.) Provided, that in the case of non-compliance with this rule, and of the applicant's not consenting at the hearing to permit a respondent to avail himself of any matter of which he should, pursuant to this rule, have given notice by filing an answer, the Court may either proceed with the hearing and allow the respondent to avail himself of such matter, or adjourn the hearing to enable the respondent to file such answer.

(5.) The provisions of this rule shall, with the necessary modifications, apply to a case in which a request 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.

Submission to Order or Payment into Court by Respondent.

18. (1.) Where a respondent from whom compensation is claimed admits liability he may at any time before the day fixed for proceeding with the matter—

(a.) Where the application is made by an injured worker, file with the clerk a notice that the respondent submits to an order for the payment of a weekly sum, to be specified in such notice; or

(b.) Where the application is made on behalf of the dependants of a deceased worker, or for the determination of the sum payable in respect of medical attendance on and the burial of a deceased worker who leaves no dependants, pay into Court such sum of money as the respondent considers sufficient to cover his liability in the circumstances of the case.

(2.) The clerk shall, on a notice being filed or payment being made pursuant to the last preceding paragraph, send notice thereof (with, where a notice is filed, a copy of such notice) to the applicant, and to the other respondents (if any).

(3.) If the applicant is a worker and elects to accept in satisfaction of his claim the weekly payment specified in the respondent's notice, he shall send to the clerk and to the respondent by post, or leave at the office of the Local Court and at the residence or place of business of the respondent, a written notice, according to the form in the Appendix, stating such acceptance, within such reasonable time

before the day fixed for proceeding with the matter as the time of filing of notice of submission by the respondent has permitted.

(4.) If the application is made on behalf of the dependants of a deceased worker or for the determination of the sum payable in respect of medical attendance and burial as aforesaid and the applicant is willing to accept the sum paid into Court in satisfaction of the compensation payable to the dependants, or in respect of such medical attendance and burial (as the case may be), he shall send to the clerk and to the respondent by post, or leave at the office of the Local Court, and at the residence or place of business of the respondent, a written notice of such willingness according to the form in the Appendix, within such reasonable time before the day fixed for proceeding with the matter as the time of payment into Court by the respondent has permitted.

If there are any other respondents, the applicant shall in like manner give notice of such willingness to such respondents; and if any of such respondents are willing to accept the sum paid into Court in satisfaction of such compensation as aforesaid, they shall in like manner give notice of such willingness to the clerk and to the applicant and the other respondents.

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

(a.) Where the respondent submits to an order for the payment of a weekly sum, the Court may forthwith make an order directing payment of such weekly sum accordingly;

(b.) Where 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 the apportionment and application of such sum, the Court may, on application made on behalf of or with the consent of all such parties, forthwith make an order for such apportionment and application;

(ii.) In any other case the matter may proceed as between the applicant and the other respondents.

(c.) In any such case the Court may, in its discretion, order the respondent filing notice of submission to an order 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 submission to an order or payment into Court, and his or their costs properly incurred in relation to the notice of submission to an order or payment into Court, and to notice of acceptance, including, if the Court on consideration of the facts of the case shall so order, any items which might have been allowed by order of the Court at the hearing.

(d.) If the applicant or any respondent intends to apply for any such costs, he

shall give notice of his intention in his form in the Appendix; or where the time of filing notice of submission to an order 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.

(6.) Where any party has not given notice of acceptance in accordance with this rule, 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 proceedings are 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 such costs to be set off against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party.

(7.) In default of notice of acceptance, the matter 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, such 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 such respondent after notice of submission to an order 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 such costs to be set off against any other costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such 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.

(8.) The provisions of this rule shall, with the necessary modifications, apply to a case in which an employer who has filed a request admits liability to pay compensation.

(9.) Where in the case of an injured worker an employer admits liability, he may at any time before the time fixed for proceeding with the matter, instead of filing a notice that he submits to an order for the payment of a weekly sum file a notice that he submits to an order 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 may thereupon pay such sum into Court; and the provisions of this rule shall, with the necessary modifications, apply to a case in which an employer files a notice and pays money into Court under this paragraph.

Notice to Parties against whom Indemnity claimed under Section 9.

19. Where a respondent claims to be entitled under Section 9 of the Act to indemnity against any person not a party to the proceedings, he shall, seven clear days at least before the day fixed for

the hearing, file a notice of his claim, according to the form in the Appendix; and the clerk shall seal such notice and deliver it to the respondent, who shall serve the same, together with a copy of the applicant's request and particulars, and of the notice served on the respondent under Rules 14 and 15, upon the person against whom such claim is made.

Appearance by third party.

20. If any person served with a notice under the last preceding rule (hereinafter called the third party) desires to dispute the applicant's claim as against the respondent on whose behalf the notice has been given, or his own liability to such respondent, he must appear before the Court on the day fixed for the hearing, or on any day to which he may have received notice from the clerk that the proceedings have been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any order made against such respondent as to any matter which the Court has jurisdiction to decide in the proceedings as between the applicant and the respondent, whether such order 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 it appears to the Court before or at the hearing that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the Court may adjourn the proceedings on such terms, as to costs and otherwise, as may be just.

Proceedings on default of appearance by third party.

21. If the third party fails to appear on the day mentioned in Rule 20, or, if the proceedings are adjourned under that rule, on the day to which the proceedings are adjourned, then if the hearing results in an order in favour of the applicant, the Court may on the application of the respondent make such order as the nature of the case may require 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 order against him.

Provided that the Court may set aside or vary any order made against the third party under this rule upon such terms as may be just.

Application for directions.

22. The third party or the respondent may apply before or at the hearing to the Court for directions; and the Court upon the hearing of the application may, 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 hearing, and if not so satisfied may make such order as the nature of the case may require in favour of the respondent giving the notice against the third party; or the Court 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 hearing and take such part therein as may be just, and generally may give such directions as the Court may think 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 order of the Court.

Costs.

23. The Court may decide all questions of costs as between a third party and the other parties to the proceedings 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 may require.

Notice to parties against whom Indemnity claimed under Section 11, or otherwise.

24. (1.) Where a respondent claims that if compensation is recovered against him he will be entitled under Section 11 of the Act, or otherwise than under Section 9, to indemnity against any person not a party to the proceedings, he shall file and serve a notice of his claim in accordance with Rule 19.

(2.) If any person served with a notice under the last preceding paragraph (hereinafter called the third party) desires to dispute the applicant's claim as against the respondent on whose behalf the notice has been given, he must appear before the Court on the day fixed for the hearing, or on any day to which he may have received notice from the clerk that the proceedings have been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any order made against such respondent as to any matter which the Court has jurisdiction to decide as between the applicant and the respondent, whether such order is made by consent or otherwise.

Provided, that if it appears to the Court before or at the hearing that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the Court may adjourn the proceedings 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 hearing 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 hearing and take such part therein as may be just, and generally may give such directions as the Court shall think proper.

(4.) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 23 as to costs shall apply.

(5.) Nothing in this rule 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 order 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 such third party to dispute the validity of the order as to any matter which the Court has jurisdiction to decide as between the applicant and the respondent.

(6.) Provided that, with the consent of the respondent and the third party.—

(a.) If the proceedings result in an order in favour of the applicant, and the third party admits his liability to indemnify the respondent, the Court may, on applica-

tion made at or after the hearing or the final decision, make such order as the nature of the case may require 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 order 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, after the hearing between the applicant and the respondent, and may on such subsequent hearing make such order as the nature of the case may require in favour of either party against the other.
- (c.) In any such case 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 proceedings) or give such directions as to such costs as the justice of the case may require.

Third Party Procedure where Employer is Applicant.

25. The provisions of Rules 20 to 24 shall, with the necessary modifications, apply to a case in which an employer who has filed a request claims to be entitled to indemnity against any person not a party to the proceedings.

Claim to Indemnity as between Respondents.

26. (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.

(2.) Nothing herein contained shall prejudice the rights of the applicant against any respondent.

Abridgement of Time for Service.

27. The magistrate may for good cause shown abridge the time for service of a request on any respondent, or the time for filing an answer, or serving a third party notice under these rules; 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.

Procedure at Hearing.

28. (1.) Subject to the special provisions of these rules, the procedure shall be the same as the procedure in an action commenced in the Local Court by plaint and summons in the ordinary way; and the statutory provisions and rules for the time being in force relating to such actions shall with the necessary modifications apply to such hearing accordingly; and in the application of such provisions and rules the applicant's request shall be deemed to be a summons with particulars annexed, the day fixed for proceeding with the matter shall be deemed to be the return day, and the applicant and respondents shall be deemed to be plaintiff and defendants respectively.

(2.) Provided, that the burden of proof of any facts which are not admitted shall be the same, whoever the party may be by whom the request is filed.

Order.

29. (1.) The order of the Court in any matter or proceeding under the Act shall be signed by the Magistrate and shall be sealed and filed, and sealed copies thereof shall be served on all persons affected thereby; and such order shall be enforceable in the same manner as a judgment of the Court.

(2.) The Court shall have power at any time to correct any clerical mistake or error in such order arising from any accidental slip or omission.

Proceedings against Insurers under Section 10.

30. (1.) Where under Section 10 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any worker are transferred to and vest in the worker, the following provisions shall have effect:—

(2.) Where a worker who is or claims to be entitled to compensation from an employer to whom Section 10 of the Act applies is unable to ascertain whether such employer has entered into a contract with insurers in respect of his liability, he may apply to the Court on affidavit intitled in the matter of the Act, and setting forth the facts on which the application is made, for an order for the examination of the employer, and the Court may make an order accordingly; and the provisions of Order XXIV., Rules 71 and 72, shall apply in the same manner as if the employer were a debtor liable under a judgment or order.

(3.) Subject to the provisions of the contract between the employer and the insurers as to the settlement of differences or disputes between the employer and the insurers, the provisions of the Act and these rules as to the determination of matters by the Court shall, with the necessary modifications, apply to the determination by the Court, as between the worker and the insurers, of any question as to the liability of the insurers to the worker or the amount of their liability, and of any other question which would under the Act be the subject of proceedings between the worker and the employer if the rights, remedies, and liability of the employer had not been transferred to the insurers.

Workers employed on Ships—Section 12.

31. (1.) In the application of the Act and these rules in the case of persons employed on Western Australian ships who are workers within the meaning of the Act, the following provisions shall have effect:—

(2.) In the case of the death of a worker, the claim for compensation shall state the date at which news of the death was received by the claimant.

(3.) The claim for compensation on behalf of dependants of a worker lost with his ship, and the particulars appended or annexed to the request for the hearing and determination of the claim, shall state the date at which the ship was lost or is deemed to have been lost.

(4.) The request shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case shall require.

(5.) In any document, notice, or proceeding it shall be sufficient to describe the owners of the ship as "the owners of the ship"; and the provisions of the Local Court Rules as to the disclosure of the names of the partners shall with the

necessary modifications apply to the disclosure of the names of such owners.

(6.) Subject to the provisions of paragraph (a.) of Subsection 3 of Section 12 of the Act as to service of the notice of accident and the claim for compensation, any document, notice, or proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship; and Section 696 of "The Merchant Shipping Act, 1894," Subsection (1), shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with paragraph (c) of the last-mentioned subsection.

Memorandum under Schedule 1. Paragraph 20.

32. (1.) The memorandum as to any compensation ascertained, weekly payment varied, or any other matter decided by agreement, which is by paragraph 20 of the First Schedule to the Act required to be sent to the clerk, shall be according to such one of the forms in the Appendix as is applicable to the circumstances of the case, and shall be left at the office of the Court or sent by post by letter addressed to the clerk at his office, as soon as may be after the matter has been decided.

(2.) In case of an agreement as to any matter referred to in paragraph 1 of Rule 39, a separate statement as required by that paragraph shall be left or sent with the memorandum of the agreement.

(3.) 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 authorised to sign on their behalf, or, in the case of persons under disability, by the signature of their next friend on their behalf.

(4.) There shall be left or sent with the memorandum a copy thereof for every party interested, other than the party (if any) by whom the memorandum is left or sent.

(5.) The clerk may, if the original agreement is not left or sent to be recorded, require such original agreement to be produced; but he shall not be entitled to retain the same where a memorandum thereof is left or sent to be recorded.

(6.) An agreement or memorandum of an agreement may be left with or sent to the clerk by insurers on behalf of the parties interested.

(7.) 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 Act and these rules.

Notice of Memorandum having been received.

33. On the receipt of the memorandum the clerk shall send one of the copies thereof to every party interested, with a notice according to the form in the Appendix, requesting such party to inform him within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes it, and, if so, in what particulars, or objects to its being recorded, and, if so, on what grounds.

Recording of Memorandum.

34. If all the parties interested admit the genuineness of the memorandum or do not within such period of seven days dispute it or object to its being re-

corded, the clerk shall, subject to proviso (d) to paragraph 20 of the First Schedule to the Act, and to Rule 39, record it without further proof.

Where Memorandum disputed, or Employer objects to its being recorded.

35. If any party interested disputes the genuineness of the memorandum, or if, where a worker seeks to record a memorandum of 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, such party or employer shall within seven days from the date of the notice mentioned in Rule 33 file with the clerk a notice according to the form in the Appendix that he disputes the genuineness of the memorandum or that he objects to its being recorded, and shall with such notice file a copy thereof for each of the other parties interested.

Notice of Dispute or Objection.

36. On the receipt of any such notice as in the last preceding rule mentioned, the clerk shall send a copy thereof to each of the other parties interested, together with a notice according to the form in the Appendix, informing such party that the memorandum will not be recorded except with the consent in writing of the party or employer disputing the same or objecting to the same being recorded or by order of the Magistrate.

Subsequent proceedings.

37. (1.) If the consent mentioned in the last preceding rule is obtained, the clerk shall, subject to proviso (d) to paragraph 20 of the First Schedule to the Act, and to Rule 39, record the memorandum without further proof.

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

(3.) Provided that if all the parties interested consent in writing to any amendment of the memorandum, and to the recording of the same as so amended, the clerk may amend the memorandum accordingly, and record the same without further proof.

Proceedings for Record of Memorandum or Rectification of Register.

38. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the magistrate to rectify the register pursuant to paragraph 20 of the first schedule to the Act.

(a.) The application shall be made in Court on notice in writing, 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 rules as to the parties to proceedings;

or on the solicitor of such party, seven clear days at least before the hearing of the application, unless the magistrate 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 an action.
- (d.) On the hearing of the application the magistrate may make such order or give such directions as he may think just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to proviso (d.) to paragraph 20 of the first schedule to the Act.
- (e.) The provisions of the Act and these rules as to the costs of proceedings before the Court shall apply to any such application.

Reference of Agreement presented for Registration to the Magistrate. Schedule I., Paragraph 20, Proviso (d.).

39. (1.) Where a memorandum of an agreement presented for registration relates to any matter referred to in proviso (d.) to paragraph 20 of the first schedule to the Act, there shall be left or sent with the memorandum a separate statement according to the form 22A in the Appendix of such of the particulars mentioned in that form as are applicable to the circumstances of the case; and the clerk shall before recording the memorandum make such inquiries and obtain such information as he may think necessary in order to satisfy himself whether the memorandum may properly be recorded, regard being had to the said proviso; and it shall be the duty of the parties to the agreement to answer such inquiries and give such information accordingly.

(2.) Where it appears to the clerk that the memorandum ought not to be recorded for any reason mentioned in the said proviso, he shall make a report to the magistrate in writing, stating the information he has obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.

(3.) If on consideration of the clerk's report it appears to the magistrate that the memorandum may properly be recorded, he may so direct, and it shall be recorded accordingly.

(4.) If on consideration of the clerk's report it appears to the magistrate that the memorandum should not be recorded without further inquiry, the clerk shall send notice to the parties to the agreement according to the form in the Appendix, informing them that he has referred the matter to the magistrate, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the magistrate.

(5.) The notices shall be sent to the parties or their solicitors seven clear days at least before the day fixed for the inquiry, unless the magistrate directs shorter notice to be given.

(6.) At the inquiry witnesses may be orally examined in the same manner as on the hearing of an action.

(7.) At the inquiry the magistrate may make such order or give such directions as he may think just.

(8.) The provisions of the Act and these rules as to the costs of proceedings 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 such party may be ordered to pay the costs of the inquiry.

Proceedings for Removal of Record of Memorandum of Agreement from Register under Schedule I., Paragraph 20, Proviso (e.).

40. (1.) An application to the magistrate by or on behalf of any party for the removal from the register of the record of a memorandum of an agreement under proviso (e.) to paragraph 20 of the first schedule to the Act shall be made in Court on notice in writing; and the provisions of Rule 38 shall apply to the proceedings on such application.

(2.) If it appears to the magistrate on a report by the clerk without such application as in the last preceding paragraph mentioned that the record of a memorandum of an agreement should be removed from the register pursuant to the said proviso, the clerk shall send notice to the parties to the agreement according to the form in the Appendix, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the magistrate.

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

Application for Reference to Medical Referee under Schedule I., Paragraph 14.

41. (1.) With respect to applications to the clerk pursuant to paragraph 14 of the First Schedule to the Act to refer any matter to a medical referee, the following provisions shall have effect.

(2.) An application to the clerk to refer any matter to a medical referee shall be made in writing, and shall contain a statement of the facts which render the application necessary, according to the form in the Appendix, 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. 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.

(3.) On the hearing of the application the clerk shall refer the matter to one of the medical referees appointed under the Act; and shall forward to such medical referee by post one of the filed copies of the application and reports, with an order of reference according to the form in the Appendix.

(4.) The clerk shall also make an order directing the worker to submit himself for examination by the medical referee, subject to and in accordance with the regulations.

(5.) Before making such order 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.

(6.) The clerk shall deliver or send by 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.

(7.) The medical referee shall forward his certificate in the matter to the clerk by post.

(8.) On the receipt of the certificate of the medical referee the clerk shall inform the parties by post that it has been received, and shall permit any party to inspect the same 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.

(9.) 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, but the total fee shall not exceed two pounds.

(10.) The costs of any application to the clerk, including the fee paid under the last preceding paragraph, may be allowed as costs in any subsequent proceeding 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 proceeding as to the review of such weekly payment.

Suspension of Proceedings or Weekly Payments on Refusal to submit to Examination under Schedule I., Paragraph 4, Paragraph 13, or Paragraph 14.

42. (1.) In any case in which a worker has given notice of an accident, or is receiving weekly payments under the Act, and the employer alleges that the worker refuses to submit himself to medical examination in accordance with paragraph 4, paragraph 13, or paragraph 14 of the first schedule to the Act, or in any way obstructs such examination, the employer may apply for a suspension of the right to compensation and to take or prosecute any proceedings under the Act in relation to compensation, or of the right to the weekly payments, until such examination has taken place, in accordance with this rule.

(2.) The application may be made in accordance with rule 38, and the provisions of the said rule shall apply to the proceedings on such application.

Payment into Court and Investment and Application of Money payable in case of Death. Schedule I., Paragraph 5.

43. (1.) Where any payment in the case of death is to be paid into Court pursuant to paragraph 5 of the first schedule to the Act, the following provisions shall have effect:—

(2.) On payment of the money into Court the employer shall lodge with the clerk a præcipe in duplicate according to the form in the Appendix.

(3.) The employer shall annex to one copy of the præcipe a form of receipt, and the clerk, on receipt of the sum paid in, shall sign the receipt and return the same to the employer; and 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 order, memorandum of agreement, or præcipe to be interested in such money a notice of the said payment according to the form in the Appendix. Provided that in the case of infant dependants residing with their parent or guardian it shall be sufficient to send such notice to the parent or guardian only.

(5.) If all questions as to who are dependants and the amount payable to each dependant have been settled by order or agreement before payment into Court, the sum paid into Court shall be allotted between the dependants in accordance with the order or agreement, 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 Act.

(6.) If 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 Court, but any of the persons interested in the said sum are absent or under disability, the amount paid into Court shall, on application by or on behalf of the persons interested therein, be 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 Act.

(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, such question shall be settled by the Court in accordance with these rules; 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 Act.

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

(8.) (a.) Where application is not so made, or in any other case coming within paragraph 5 of the first schedule to the Act, an application for the investment or application of any sum paid into Court, or of the amount allotted to any person, shall be made in Court on notice in writing, stating on whose behalf the application is made, and the order which the applicant asks, according to the form in the Appendix.

(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, five clear days at least before the hearing of the application, unless the magistrate 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 an action.

(d.) On the hearing of the application the magistrate may, after making or directing such inquiries as to the dependants and on such evidence of title and identity as he may think necessary, make such order under paragraph 5 of the first schedule to the Act and this rule as he may think fit.

(e.) The provisions of the Act and these rules as to the costs of proceedings shall apply to any such application.

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

(10.) 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.

(11.) Where any sum allotted to any person under paragraph 5 of the first schedule to the Act or this rule is ordered to be paid out to or applied for the benefit of the person entitled thereto, by weekly or other periodical payments, such payments may be made to the person entitled to receive the same either at the office of the Local Court, or, on the written request of such person, by cheque or Post Office order addressed to such person and forwarded by post letter, payment by post being in all cases at the cost and risk of the person requesting the same.

Payment into Court and Application of Weekly Payments payable to Person under Legal Disability. Schedule I., Paragraph 7.

44. (1.) An application under paragraph 7 of the First Schedule to the Act for an order that a weekly payment payable under the Act 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 such payment or by or on behalf of the person entitled to such payment.

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

(3.) In any other case the application may be made on notice in writing, which shall be served on the other party or his solicitor five clear days at least before the hearing of the application, unless the magistrate gives leave for shorter notice; and the provisions of Rule 38 shall apply to any such application.

(4.) Where any weekly payment is ordered to be paid into Court, the sums 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 magistrate shall direct; and the provisions of the last preceding rule as to the payment out or application of sums by weekly or other periodical payments shall apply.

Application for Variation of Order under Schedule I., Paragraph 9.

45. (1.) An application for the variation of an order of the Court under paragraph 9 of the First Schedule to the Act may be made by any person interested.

(2.) The application shall be made in Court on notice in writing, 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 Rule 38; and the provisions of that rule and of Rule 43 shall apply to the proceedings on such application.

Investment and Application of Lump Sum paid in Redemption of Weekly Payment. Schedule I., Paragraph 16.

46. Where pursuant to paragraph 16 of the first schedule to the Act a lump sum payable for the redemption of any weekly payment is ordered to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into Court; and the provisions of paragraph 5 of the first schedule to the Act and of Rule 43 shall apply to the investment and application of such lump sum.

Proceedings where Worker receiving Weekly Payment intends to cease to reside in Western Australia. Schedule I., Paragraph 17.

47. (1.) Where a worker receiving a weekly payment intends to cease to reside in Western Australia, the following provisions shall have effect under paragraph 17 of the first schedule to the Act:—

(2.) The clerk shall on application furnish the worker—

- (a.) with a copy of the order or memorandum of agreement under which the weekly payment is payable sealed with the seal of the Court; and
- (b.) with a certificate of identity according to the form in the Appendix; and
- (c.) with a notice according to the form in the Appendix, annexing thereto forms of certificate and declaration according to the forms in the Appendix;

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

(3.) A worker who desires to have the weekly payments payable to him remitted to him while residing out of Western Australia, shall, at intervals of three months from the date to which such payments were last made, submit himself to examination by a medical practitioner in the place where he is residing, and shall produce to him the certificate of identity furnished under the last preceding paragraph, and shall obtain from him a certificate in the form in the Appendix 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.

(4.) The worker shall also make a declaration of identity according to the form in the Appendix before a person having authority to administer an oath, producing to such person the certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined.

(5.) The worker shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the clerk, with a request, according to the form in the Appendix, 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 remitted, which request shall be signed by the worker in his own handwriting.

(6.) On receipt of the certificate, declaration, and request the clerk shall examine the same, and may if not satisfied that the same are in order return the same for correction.

(7.) If the clerk is satisfied that the certificate, declaration, and request are in order, or when they are returned to him in order, he shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the clerk, who shall remit the same, less any fees payable and the cost of transmission to the worker at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the worker.

Payment of Arrears of Weekly Payments on Death of Worker residing out of Western Australia.

48. (1.) In the event of the death of a worker in receipt of weekly payments while residing out of Western Australia his representatives 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 such arrears, verified by declaration before a person having authority to administer an oath with a request for payment of such arrears, specifying the place where and the manner in which the amount is to be remitted to them.

(2.) For the purposes of this rule the expression "representatives" shall mean—

- (a.) if the worker leaves a will, the executors of such 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 such persons without the production of letters of administration.

(3.) On the receipt of the certificate and documents mentioned in this rule, the clerk shall examine the same, and may, if not satisfied, that the same are in order, return the same for correction.

(4.) If the clerk is satisfied that the certificate and documents are in order, or when they are returned to him in order, he shall send to the employer a notice requesting him to forward the amount due, and the employer shall thereupon forward the amount to the clerk, who shall remit the same, less any fees payable and the cost of transmission, to the representatives of the worker at the address and in the manner requested by them, such remittance being in all cases at the cost and risk of such representatives.

Costs.

49. (1.) Any costs of and incident to any proceedings ordered by the Court or directed by the magistrate to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the Local Courts as the magistrate shall direct; and in default of such direction shall be taxed according to the scale which would be applicable if the proceeding had been an action in the Local Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections and review of taxation, shall apply accordingly.

Provided that the Court or magistrate may increase such allowances under special circumstances, and particularly in view of the distance it may be necessary for counsel and witness to travel. Provided also that in ordinary circumstances a fee not exceeding £7 12s. may be allowed to counsel with brief.

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

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

(4.) Where any worker is examined by a medical referee on a reference under paragraph 14 of the first schedule to the Act, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the worker in obtaining such certificate (if not otherwise provided for) may, by order of the magistrate, be allowed as costs of the proceedings.

Transfer of Proceedings.

50. If the magistrate is satisfied by any party to any matter under the Act pending in his Court that

such matter can be more conveniently proceeded with in any other Court he may order such matter to be transferred to such other Court; and thereupon the clerk shall forthwith transmit by post to the clerk of the Court to which such matter is transferred all original documents filed in such matter, and a certified copy of all records made with reference to such matter; and thenceforth such matter shall be proceeded with in the Court to which it is transferred in the same manner as if it had originally been commenced therein.

Transfer of Money paid into Court.

51. (1.) The provisions of the last preceding rule shall apply to the transfer of money paid into Court from one Court to another pursuant to paragraph 6 of the first schedule to the Act or otherwise and to proceedings with respect to the application of such money.

(2.) Where any money ordered to be transferred from one Court to another is invested in the Government Savings Bank, such money shall be transferred into the name of the magistrate of the Court to which the money is ordered to be transferred in accordance with the Government Savings Bank regulations.

Record of Proceedings—Special Register.

52. Proceedings under the Act shall be recorded in the books of the Court in the manner in which other proceedings in the Court are recorded; and the clerk shall also keep a special register for the purposes of the Act, in which he shall record—

- (1.) A memorandum of every application made for the settlement of any matter by the Court;
- (2.) A memorandum of every proceeding taken in any matter before the Court prior to the determination thereof;
- (3.) A memorandum of every order made by the Court;
- (4.) A memorandum of every application to the Court for the examination of an employer pursuant to Rule 30, paragraph 2, and of the order and proceedings thereon;
- (5.) If in the case of a memorandum of an agreement the clerk refers the matter to the magistrate, a memorandum of such reference, and of the directions of the magistrate, and the subsequent proceedings and order thereon;
- (6.) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
- (7.) 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;
- (8.) A copy of every certificate given by the Court or sent to the Clerk from any other Court;
- (9.) A memorandum of every proceeding taken in the Court for the enforcement of any order, or memorandum of an agreement, and of the result of such proceeding;
- (10.) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph 14 of the first schedule of the Act, and of the order and subsequent proceedings thereon;

- (11.) 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 Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
- (12.) A memorandum of every sum paid into court pursuant to paragraph 5 of the first schedule to the Act, or under any order or memorandum of an agreement;
- (13.) A memorandum of every application made to the Court with reference to any such sum, and of every order made on such application, and of the manner in which such sum is invested, applied, or disposed of;
- (14.) 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;
- (15.) A memorandum of every application for variation of an order of the Court as to the apportionment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon;
- (16.) A memorandum of every certificate and declaration of identity and request for payment received from a worker under paragraph 17 of the first schedule to the Act and of the proceedings thereon;
- (17.) A memorandum of every application for transfer, and of the order thereon, and the proceedings under such order;
- (18.) A memorandum of the transfer of any money paid into Court to any other Court;
- (19.) A memorandum of any other matter which the magistrate shall order to be recorded with reference to any matter brought into a proceeding taken in the Court under the Act.

Matters, how distinguished.

(53.) Every matter brought into the Court under the Act shall be intitled in the matter of the Act, and shall be distinguished by a separate number; and all documents filed and subsequent proceedings taken in the Court with reference to such matter shall be intitled in like manner, and shall be distinguished by the same number; and the entries made in the special register with respect to each such matter shall be entered together, and shall be kept separate from the entries with respect to any other matter.

Forms.

(54.) The forms in the Appendix, where applicable, and where they are not applicable forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

Fees.

(55.) The Court Fees and Bailiff's fees as prescribed by the Local Court Rules, 1905, and applicable to proceedings within the ordinary jurisdiction of the Court shall apply to proceedings under the Act.

APPENDIX.

FORM 1.

Application to the Court by Injured Worker with respect to the Compensation payable to him.

REQUEST.

In the Local Court at
In the matter of "The Workers' Compensation Act,
1912."

No. of Matter

A.B.

of (address)
(description)

Applicant.

and

C. D. & Co., Limited,
of (address)
(description)

Respondent.

1. On the day of , 191 , 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. & Co., Limited, (or by , a contractor with C. D. & Co., Limited, for the execution of work undertaken by them).

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 Act applies; or

(b.) as to the liability of the said C.D. & Co., Limited, to pay compensation under the above-mentioned Act in respect of the said injury; or

(c.) as to the amount (or duration) of the compensation payable by the said C.D. & Co., Limited, to the said A.B. under the above-mentioned Act in respect of the said injury.

(or as the case may be.)

3. A hearing under the above-mentioned Act is hereby requested between the said A.B. and the said C.D. & Co., Limited, for the determination 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.

6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.

7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed.

8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.

9. Payment, allowance or benefit received from employer during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident on respondent, and whether given before worker voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)

12. If notice not served, reason for omission to serve same.

Dated this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.)

FORM 2.

Application to the Court by or on behalf of Dependants of Deceased Worker, with respect to the Compensation payable in respect of the Injury to such Dependants, where Death has resulted from an Injury to the Worker, and for the determination of questions as to who are Dependants, and the Apportionment and Application of such Compensation.

REQUEST.

In the Local Court at
In the matter of "The Workers' Compensation Act,
1912."

No. of Matter

E.F.
of (address)
(description) Applicant,

and

C.D. & Co., Limited,
of (address)
(description)
and

G.H.
of (address)
(description) Respondents.
(or as the case may be.)

1. On the day of 191, 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. & Co., Limited, (or by , a contractor with C.D. & Co., Limited, for the execution of work undertaken by them), and on the day of 191, the death of the said A.B. resulted from the injury.

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. was a worker to whom the above-mentioned Act applied; or

(b.) as to the liability of the said C.D. & Co., Limited, to pay compensation under the above-mentioned Act 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 the amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B.; or

(d.) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act; or

(e.) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, 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. A hearing under the above-mentioned Act 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. & Co., Limited, 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.)

for the determination 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 Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant.

9. Character in which applicant applies, 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 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).

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 or 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 same.

Dated this day of 191 .
(Signed)

Applicant.

(Or

Applicant's Solicitor.)

FORM 3.

Application to the Court to determine 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.

REQUEST.

In the Local Court at
In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

E.F.
of (address)
(description)

and

Applicant,

C.D. & Co., Limited,
of (address)
(description)
and

G.H.,
of (address)
(description)

J.K.,
of (address)
(description)
and

L.M.,
of (address)
(description)

Respondents.

1. On the day of , 191 , 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. & Co., Limited, (or by , a contractor with C.D. & Co., Limited, for the execution of work undertaken by them,) and on the day of , 191 , the death of the said A.B. resulted from the injury.

2. The amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act 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 Act; 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. A hearing under the above-mentioned Act 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 the said C.D. & Co., Limited, 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 Rule 5.)
for the determination 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 employers 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.

6. Character in which the applicant applies, 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.)

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.

Dated this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.

FORM 4.

Application to the Court with respect to the Compensation payable in respect of Expenses of Medical Attendance and Burial, where Deceased Worker leaves no Dependants.

REQUEST.

In the Local Court at
In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

E.F.,
of (address)
(description)

Applicant,

and
C.D. & Co., Limited,
of (address)
(description)

and
G.H.,
of (address)
(description)

Respondents.

1. On the day of , 191 , 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. & Co., Limited, (or by , a contractor with C.D. & Co., Limited, for the execution of work undertaken by them,) and on the day of , 191 , 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 Act.

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 Act applied; or

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

(c.) as to the amount of compensation payable by the said C.D. & Co., Limited, under the above-mentioned Act in respect of the reasonable expenses of the medical attendance 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. & Co., Limited, under the above-mentioned Act 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. A hearing under the above-mentioned Act is hereby requested between E.F. and the said C.D. & Co., Limited, , and G.H. for the determination 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 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. Name and address of applicant.
7. Character in which applicant applies, *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 same.

Dated this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.)

FORM 5.

Application to the Court with respect to the Review, Termination, Diminution, Increase, or Redemption of a Weekly Payment.

REQUEST.

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

No. of Matter.

C.D. & Co., Limited,
of (address)

(description)

and

A.B.,
of (address)
(description)

Applicants,

Respondent.

(or as the case may be; see Act, Sched. 1, pars. 15, 16.)

A hearing under "The Workers' Compensation Act, 1912," is hereby requested between C.D. & Co., Limited, and A.B.

(or as the case may be; see Act, Sched. 1, pars. 15, 16.) with respect to the review and termination (or diminution, increase, or redemption, as the case may be) of the weekly payment payable to the said A.B. under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended (or annexed).

Particulars.

1. Name and address of injured worker.
2. Name and place of business of employer by whom compensation is payable.
3. Date and nature of accident.
4. Date of agreement or order fixing weekly payment, amount of such payment, and date from which it commenced.
5. Relief sought by applicant, whether termination, diminution, increase, or redemption.
6. Grounds on which termination, diminution, or increase is claimed.

Dated this day of , 191 .

(Signed)

Applicants.

(Or

Applicants' Solicitor.)

FORM 6.

Application to the Court by an Injured Worker on a Western Australian Ship with respect to the Compensation payable to him.

REQUEST.

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

A.B.

of (address)

(description)

Applicant,

and

The owners of the Ship " " Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. the master of the ship " " (or a seaman, or as the case may be) and a member of the crew of the ship " "

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 within the meaning of the above-mentioned Act; or

(b.) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act, in respect of the said injury; or

(c.) as to the amount (or duration) of the compensation payable by the owners of the said ship to the said A.B. under the above-mentioned Act in respect of the said injury. (or as the case may be.)

3. A hearing under the above-mentioned Act is hereby requested between the said A.B. and the owners of the said ship for the determination of the said question (or questions).

4. Particulars are hereto appended (or annexed).

Particulars.

1. Name and address of applicant.
2. Name of ship of which applicant was master (or of the crew of which applicant was a member, or as the case may be) at time of accident, and port of registry.
3. Nature of employment at time of accident.
4. Date and place of accident, nature of work on which applicant was then engaged, and nature of accident and cause of injury.
4. Nature of injury.
6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the same owners, or if not, during any less period during which he has been so employed.
8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.
9. Payment, allowance, or benefit received from employer during the period of incapacity.
10. Amount claimed as compensation.
11. Date of service of statutory notice of accident, and whether given before applicant voluntarily left the employment in which he was injured. (*A copy of the notice to be annexed.*)
12. If notice not served, reason for omission to serve same.

The name and address of the person to be served with this application as representing the owners of the ship are:

(*State name and address of managing owner or manager, or of master of ship. See Rule 31 (6.)*)
Dated this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.)

FORM 7.

Application to the Court by or on behalf of Dependents of Deceased Worker on Western Australian Ship.

REQUEST.

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

E.F.

of (address)
(description)

Applicant,

The owners of the ship " " and

G.B.,

of (address)
(description)

Respondents.

(or as the case may be).

1. On the day of , personal injury by accident arising out of and in the course of his employment was caused to A.B. , late of , deceased, the master of the ship " " (or a seaman, or as the case may be) and a member of the crew of the ship " " and on the day of the death of the said A.B. resulted from the injury. (or 1. The ship " " which left the port of on or about the day of , was lost with

all hands on or about the day of (or was last heard of on or about the day of and is believed to have been lost with all hands.)

When the said ship left the said port A.B. , late of , was the master thereof (or a seaman, or as the case may be) and a member of the crew of the said ship.

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. was a worker within the meaning of the above-mentioned Act; or

(b.) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act 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 the amount of compensation payable by the owners of the said ship to the dependants of the said A.B. under the above-mentioned Act, in respect of the injury caused to them by the death of the said A.B. ; or

(d.) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act; or

(e.) as to the apportionment and application of the compensation payable by the owners of the said ship 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. A hearing under the above-mentioned Act is hereby requested between E.F. , the legal personal representative of the said A.B. (*or between E.F. a dependant of the said A.B.) and the owners of the said ship, and G.B. , who claims or may be entitled to claim to be a dependant of the said A.B. (*or as the case may be.*)*

for the determination of the said question (or questions).

4. Particulars are hereto appended (or annexed.)

Particulars.

1. Name and late address of master, seaman, or as the case may be.

2. Name of ship of which deceased was master (or of the crew of which deceased was a member, at time of accident or loss of ship, and port of registry.

3. Nature of employment at time of accident or loss of ship.

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury (or date and place when and where ship was lost or is deemed to have been lost).

5. Nature of injury to deceased and date of death (or date when ship was lost or is deemed to have been lost).

6. Earnings of deceased during the three years next preceding the injury or date of loss, if he had been so long employed under the same owners, 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 actual employment under the said owners.

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

8. Name and address of applicant.

9. Character in which applicant applies, 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 the 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 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).

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, 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 same.

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

As representing the owners of the ship

(*State name and address of managing owner or manager, or of master of ship. See Rule 31 (6.)*) and G.B.,

Dated this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.)

FORM 8.

Application to the Court where Security has been given on behalf of the Owners of a Ship under Section 16.

REQUEST.

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

A.B.,

of (address)
(description)

Applicant,

and
(names and addresses
of persons giving
security)

Respondents.

1. On the day of , 191 , personal injury by accident arising out of and in the course of his employment was caused to A.B. , of , and the said A.B. claims that the owners of the ship " " are liable under the Workers' Compensation Act, 1912, to pay compensation in respect of the said injury.

2. The respondents have given security to abide the event of any proceedings that may be instituted in respect of the said injury, and to pay such compensation and costs as may be awarded thereon.

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. is a worker to whom the above-mentioned Act applies; or

(b.) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act in respect of the said injury; or

(c.) as to the amount (or duration) of the compensation payable to the said A.B.

under the above-mentioned Act in respect of the said injury.

(*or as the case may be.*)

4. A hearing under the above-mentioned Act is hereby requested between the said A.B. and the respondents for the determination of the said question (or questions).

5. Particulars are hereto appended (or annexed).

Particulars.

(*Here insert particulars of circumstances under which the application is made, and of the relief or order which the applicant claims, adapting the particulars in the preceding forms to the circumstances of the case.*)

The names and addresses, etc. (*as in Form 7*).

Note.—*This form to be adapted as required to proceedings between the dependants of a deceased worker and the persons giving security.*

FORM 9.

Application to the Court where rights of Employer against Insurers are transferred to Worker under Section 10.

REQUEST.

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

No. of Matter

A.B.

of (address)
(description)

Applicant,

and
(name and address of
Insurers)

Respondents.

1. On the day of , 191 , personal injury by accident arising out of and in the course of his employment was caused to A.B. , a worker employed by of (name and address of employer), [or by of , a contractor with (name and address of employer) for the execution of work undertaken by him], and the said A.B. claims that the said (employer) thereupon became liable to pay compensation under "The Workers' Compensation Act, 1912," to the said A.B. in respect of such injury.

[*Or, where weekly payment has been settled,*

1. Under an agreement dated the day of , 191 , and made between of the one part and of the other part [or an order of the Local Court at in a matter in which is the applicant and is the respondent, a weekly payment of is payable by of (name and address of employer) to the above-mentioned A.B. as compensation for personal injury caused to the said A.B. by accident arising out of and in the course of his employment as a worker employed by the said (employer) (or by of , a contractor with the said (employer) for the execution of work undertaken by him).]

2. The respondents are insurers of the said (employer) in respect of his (or their) liability to pay such compensation.

3. The said (employer) has become a bankrupt (or made a composition or arrangement with his creditors (or, if the employer is a company, the said has commenced to be wound up); and the rights of the said (employer) against the respondents as such insurers in respect of his (or their) liability to the said A.B. have by virtue of Section 10 of the said Act been transferred to and vested in the said A.B.

4. 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 Act applies; or

(b.) as to the liability of the said (employer) to pay compensation under the above-mentioned Act in respect of the said injury; or

(c.) as to the liability of the respondents as such insurers as aforesaid to the said A.B.

or

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

(v.) 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 respondents, 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.

Dated this day of , 191 .
(Signed)
Solicitors for the Respondents,
C.D. & Co., Limited.

To the Clerk of the Court, and
To the applicant, A.B., and
To the respondents
(if any, naming them).

FORM 13.

Notice by Respondent admitting Liability, and submitting to an Order for Payment of a Weekly Sum, or Paying Money into Court.

(Not to be printed, but to be used as a precedent.)
(Heading as in Request.)

Take notice—

That the respondents, C.D. & Co., Limited, admit their liability to pay compensation in the above-mentioned matter.

And they hereby submit to an order for payment by them to the applicant of the weekly sum of , such weekly payment to commence as from the day of and to continue during the total or partial incapacity of the said applicant for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

And for payment by them to the applicant forthwith after the date of the order of the amount of such weekly payments calculated from the day of until the first Saturday (or other usual pay day) after the date of the order, and for the payment thereafter of the said sum of to the applicant on Saturday (or other usual pay day) in every week.

(Or, and the said C.D. & Co., Limited, herewith pay into Court the sum of £ in satisfaction of such liability.)

Dated this day of , 191 .
(Signed)

Solicitors for the Respondents,
C.D. & Co., Limited.

To the Clerk of the Court, and
To the applicant, A.B., and
To the respondents
(if any, naming them).

FORM 14.

Notice of Filing of Submission to an Order.

(Heading as in Request.)

Take notice—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter, and submit to an order for payment by them to you of the weekly sum of .

If you elect to accept such weekly sum in satisfaction of your claim, you must send to the Clerk of this Court, and to the said C.D. & Co., Limited, a written notice forthwith by post, or leave such notice at the office of the Court, and at the residence or place of business of the said C.D. & Co., Limited.

If you send such notice, the Court will, on application, make an order directing payment of such weekly sum to you, and you will be liable to no further costs.

In default of such notice, the matter will be proceeded with; and if no greater weekly 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 this day of , 191 .
Clerk of the Court.

To the applicant, A.B.

FORM 15.

*Notice of Payment into Court.
(Heading as in Request.)*

Take notice—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice that they admit their liability to pay compensation in the above-mentioned matter, and they have paid into Court the sum of £ in satisfaction of such liability.

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 Court, and to the said C.D. & Co., Limited, and to the other respondents (or, where this notice is sent to a respondent, to the applicant and the other respondents), a written notice forthwith by post, or leave such notice at the office of the Court, and at the residence or place of business of the said C.D. & Co., Limited, , 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, make an order 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 matter 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 matter 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 respondents, C.D. & Co., Limited, 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 send notice of their willingness to accept the said sum of £ in satisfaction of the compensation payable in the above-mentioned matter.

Dated this day of , 191 .
Clerk of the Court.

To the applicant, A.B.,
(or To the respondent, G.H.).
(or as the case may be.)

FORM 16.

Notice of Acceptance of Weekly sum offered, or of Willingness to accept Sum paid into Court.

(Not to be printed, but to be used as a precedent.)
(Heading as in Request.)

Take notice—

That the applicant, A.B., accepts the weekly sum offered by the respondents, C.D. & Co., Limited, 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 respondents, C.D. & Co., Limited, 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 the order of the Court an order directing the said respondents, C.D. & Co., Limited, 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).

Dated this day of , 191 .
(Signed)

Applicant.

(or

Respondent.)

To the Clerk of the Court, and
To the respondents, C.D. & Co., Limited, and
To the applicant, A.B., and
To the respondents
(naming them).

FORM 17.

Order adding Respondents.

(Heading as in Request.)

It is this day ordered on the application of the respondents, C.D. & Co., Limited, that of be added as respondents (and that the hearing be adjourned to the day of at o'clock in the noon.)

Dated this day of , 191 .
Clerk of the Court.

FORM 18.

Notice to Applicant and Original Respondents of Addition of Respondents.
(Heading as in Request.)

Take notice—

That by order dated the day of , 191 , it was ordered on the application of the respondents, C.D. & Co., Limited, (a copy whereof is hereto annexed), that of be added as respondents to this matter (and that the hearing thereof be adjourned to the day of at o'clock in the noon).

Dated this day of , 191 .
Clerk of the Court.

To the Applicant and the Respondents,
C.D. & Co., Limited.

FORM 19.

Notice to Parties who are added as Respondents.

(Heading as in Request.)

To Messrs. of
(address and description.)

Take notice—

That by an order of this Court, dated the day of , 191 , 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 matter.

And further take notice, that the hearing of the above matter 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 solicitor, at the court-house 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 proceedings, 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 Court, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject matter of the proceedings, 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 , 191 .

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 this day of , 191 .
To , of
Clerk of the Court.

FORM 20.

Notice by Respondent to Third Parties.

(Not to be printed, but to be used as a Precedent.)

(Heading as in Request.)

To Mr. , of (address and description).

Take notice—

That A.B., of, etc., has filed a request (a copy whereof is hereto annexed) for the determination of the amount of compensation payable by the respondents, C.D. & Co., Limited, 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.)

The respondents, C.D. & Co., Limited, claim to be indemnified by you against their 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., was not immediately employed by the said C.D. & Co., Limited, but was employed by you in the execution of work undertaken by the said C.D. & Co., Limited, in respect of which the said C.D. & Co., Limited, 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.)

And take notice, that if you wish to dispute the applicant's claim as against the respondents, C.D. & Co., Limited, or your liability to the said respondents, 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 order made in the said proceedings as to any matter which the Court has jurisdiction to decide as between the applicant and the respondents, C.D. & Co., Limited, whether such order is made by consent or otherwise, and your own liability to indemnify the said C.D. & Co., Limited (or to contribute as above mentioned).

Dated this day of , 191 .
(Signed) C.D. & Co., Limited,
To By
Secretary.
of (Or Solicitors for the respondents,
C.D. & Co., Limited.)

FORM 21.

Order.

(Note.—These forms are intended for use in ordinary cases only. The order in any special case must be settled by the magistrate.)

(i.) *In case of Application by Worker.*

(Heading as in Request.)

1. It is hereby ordered that the respondents do pay to the applicant, the weekly sum of as compensation for personal injury caused to the said on the day of , by accident arising out of and in the course of his employment as a worker employed by the said respondents, such weekly payment to commence as from the day of , and to continue during the total or partial incapacity of the said for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

2. And it is further ordered that the said do forthwith pay to the said the sum of £ being the amount of such weekly payments calculated from the day of until the day of , and do thereafter pay the said sum of to the said on in every week.

3. And it is further ordered that the said do pay to the applicant his costs of and incident to this matter, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column of the scales of costs in use in Local Courts, and to be paid by the said to the applicant within days from the date of certificate of the result of such taxation.

Dated this day of , 191 .
Magistrate.

(ii.) *In case of Application by Dependants.*

(Heading as in Request.)

1. It is hereby ordered that the respondents, do pay the sum of £ to the dependants of , late of , deceased, as compensation for the injury resulting to such dependants from the death of the said , which took place on the day of , 191 , from injury caused to the said on the day of , 191 , by accident arising out of and in the course of his employment as a worker employed by the said respondents.

2. And it is hereby ordered that the persons herein-after named are entitled to share in such compensation as dependants of the said , that is to say, , the widow of the said , and (name the other persons.).

3. (Add, if so found.) And it is hereby ordered that the respondent , the of the said , is not entitled to share in such compensation as a dependant of the said

4. And it is hereby ordered that the said sum of £ be apportioned between the said and in the proportions following, that is to say:—

The sum of £ to or for the benefit of the said and the sum of £ to or for the benefit of the said

5. And it is hereby ordered that the said do pay the said sum of £ to the clerk of this Court within days from the date of this order.

6. And it is further ordered that on payment into Court of the said sum of £ , the clerk do forthwith pay to the said 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 be invested in the Government Savings Bank for the benefit of the said , and that 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 the weekly (or fortnightly) sum of £ , the first payment to be made on the day of]

7. And it is further ordered that on payment into Court of the said sum of £ the sums of £ and £ hereby apportioned to or for the benefit of the said respectively be invested in the Government 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 , to be by her applied for the maintenance, education, or benefit of the said , and , respectively.

8. And it is further ordered that the said 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. And it is further ordered that the said do pay into Court, for the use of the applicants, their costs of and incident to this matter, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column of the scales of costs in use in Local Courts, and to be paid by the said into Court within days from the date of the certificate of the result 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 this day of , 191 .
Magistrate.

(iii.) *In case of Application by Person to whom Expenses of Medical Attendance or Burial are due.*

(Heading as in Request.)

1. It is hereby ordered that the respondents, do pay the sum of £ for or towards the expenses of medical attendance on and the burial of , late of , deceased, who died on the day of , from injury caused on the day of , by accident arising out of and in the course of the employment of the said as a worker employed by the said

2. And it is hereby ordered that the persons herein-after named are entitled to share in such compensation, that is to say:

The applicant , in respect of charges amounting to £ due to (or payable by) him for medical attendance on the said , and the respondent, , in respect of charges amounting to £ due to him for the burial of the said

3. And it is further ordered that the respondents, do pay the said sum of £ into Court within days from the date of this order, and that the said sum of £ be apportioned between and paid to the said and in proportion to the amounts due to them respectively as aforesaid.

4. And it is further ordered that the said do pay into Court, for the use of the applicant and the respondent, , their respective costs of and incident to this matter, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under column of the scales of costs in use in Local Courts, and to be paid by the said within days from the date of the certificate of the result of such taxation.

Dated this day of , 191 .
Magistrate.

(Note.—The above forms will serve as guides for framing orders in other cases.)

FORM 22.

Form of Memorandum under Paragraph 20 of Schedule I.

(Not to be printed, but to be used as a precedent.)

To the Clerk of the Local Court at
In the matter of “The Workers’ Compensation Act, 1912.”

And in the matter of an agreement between
A.B. of, etc.,

and
C.D. & Co., Limited,
of, etc.

Be it remembered, that on the day of , personal injury was caused to the above-named by accident arising out of and in the course of his employment:

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

(Here set out copy of agreement.)

(Or, where death resulted from the accident,

Be it remembered, that on the day of , personal injury was caused to , late of , deceased, by accident arising out of and in the course of his employment, and that on the day of , the said died as the result of such injury:

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

(Here set out copy of agreement.)

You are hereby requested to record this memorandum pursuant to paragraph 20 of the first schedule to the above-mentioned Act.

Dated the day of , 191 .

FORM 22A.

Information to be supplied where a Memorandum of 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. Schedule 1., paragraph 20: Rules 32 (2), 39 (1).

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 Act 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 employer previous to the date of the agreement, viz.:—

(Here state payments made, and where a weekly payment has been made, the amount of such payment, and the period for which it was paid.)

Dated this day of 19 .

(To be signed in accordance with Rule 32, par. 3.)

B.—WHERE DEATH RESULTED FROM THE INJURY.

(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, 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 employer after the accident (or disablement, or suspension), viz.:—

Dated this day of 19 .

(To be signed in accordance with Rule 32, par. 3.)

FORM 23.

Notice of Memorandum having been received.

In the Local Court at

(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 it, and, if so, in what particulars, or object to its being recorded, and, if so, on what grounds.

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

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

Dated this day , 191 .

To

Clerk of the Court.

FORM 24.

Notice disputing Memorandum, or objecting to its being recorded.

(Not to be printed, but to be used as a precedent.)
In the Local Court at

(Heading as in Memorandum.)

Take notice that the undersigned, of , dispute the genuineness of the memorandum sent to you for registration in the above-mentioned matter in the following particulars:—

(Here state particulars.)

(or Take notice that the undersigned, of , etc., object to the memorandum sent to you for registration in the above-mentioned matter being recorded, on the following grounds:—

(Here state grounds—see particulars Schedule 1, par. 20, proviso (b).)

Dated this day of , 191 .

C.D. & Co., Limited,
by

Secretary.

(or

Solicitors for C.D. & Co., Limited.)

To the Clerk of the Court.

FORM 25.

Notice that Memorandum is Disputed, or of Objection to its being recorded.

(Heading as in Memorandum.)

Take notice that the genuineness of the memorandum in the above-mentioned matter left with (or sent to) me for registration is disputed by , of , a party affected by such memorandum, in the following particulars:—

(Here state particulars of dispute.)

[or that , of , a party interested in the memorandum in the above-mentioned matter left with (or sent to) me for registration, objects to the same being recorded, on the following grounds:—

(Here state grounds.)

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

Dated this day of , 191 .

To

Clerk of the Court.

FORM 26.

*Notice of Application for Registration of Memorandum or for Rectification of Register.**(Not to be printed, but to be used as a precedent.)*

In the Local Court at

(Heading as in Memorandum.)

Take notice that I intend to apply to the magistrate at _____, on the _____ day of _____, 191____, at the hour of _____ o'clock in the _____ noon (in case of notice by solicitor, on behalf of _____, of _____), for an order for the registration of the memorandum sent to the Clerk of the Court 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 this _____ day of _____, 191____, _____ Applicant.
(or Applicant's Solicitor.)

To the Clerk of the Court
and to
and to Messrs.
[his (or their) Solicitors].

FORM 27.

Notice to Parties where Clerk refers the Question of recording a Memorandum of an Agreement to the Magistrate under Schedule 1, paragraph 20, proviso (d).

In the Local Court at

(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 magistrate pursuant to proviso (d) to paragraph 20 of the first schedule to the Act, 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 in redemption of the weekly payment referred to in the memorandum; or
- (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 magistrate you are hereby summoned to attend before the Court to be holden at _____, on _____, the _____ day of _____, at the hour of _____ in the _____ noon, when the matter will be inquired into.

And that if you do not attend either in person or by your solicitor 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 this _____ day of _____, 191____, _____ Clerk of the Court.

To (all parties concerned).

FORM 28.

Application for Removal of Record of Memorandum of Agreement from Register under Schedule 1, paragraph 20, proviso (e).

In the Local Court at

(Heading as in Memorandum.)

Take notice that I intend to apply to the magistrate at _____, on _____, the _____ day of _____, 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 _____, pursuant to proviso (e) to paragraph 20 of the first schedule to the above-mentioned Act, 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 this _____ day of _____, 191____, _____ Applicant.
(or Applicant's Solicitor.)

To the Clerk of the Court
and to
Messrs.
and his (or their) Solicitor.

FORM 29.

Notice to Parties where Magistrate directs Inquiry as to Removal of Record of Memorandum of Agreement from Register under Schedule 1, paragraph 20, proviso (e).

In the Local Court at

(Heading as in Memorandum.)

Whereas it has been made to appear to the magistrate that the 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 _____, pursuant to proviso (e) to paragraph 20 of the first schedule to the above-mentioned Act, 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 magistrate at a Court to be holden at _____ on _____, the _____ day of _____, at the hour of _____ in the _____ noon, when the matter will be inquired into.

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

Dated this _____ day of _____, 191____, _____ Clerk of the Court.

To (all parties concerned).

FORM 30.

*Application for Reference to Medical Referee under Schedule I., paragraph 14.**(Not to be printed, but to be used as a precedent.)*

In the Local Court at

In the matter of "The Workers' Compensation Act, 1912."

In the matter of a claim for compensation made by A.B., _____, of _____, against C.D. & Co., Limited, _____, of _____, No. of Matter _____.

[Or, where proceedings are pending,

A.B., _____ of (address) _____ (description) _____ Applicant,

C.D. & Co., Limited, _____ and _____ of (address) _____ (description) _____ Respondents.]

(Or, where application is made after weekly payment has been settled,

In the matter of an agreement recorded in the above-mentioned Court as to the weekly payment payable to A.B., _____, of _____, by C.D. & Co., Limited, _____, of _____,)

Application is hereby made to the Court on behalf of the above-named A.B. and C.D. & Co., Limited, for a reference in the above-mentioned matter to a medical referee pursuant to paragraph 14 of the first schedule to the above-mentioned Act under the following circumstances:—

1. On _____, the _____ day of _____, notice was given by (or on behalf of) the above-mentioned A.B., _____, to the above-mentioned C.D. & Co., Limited, _____, 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. & Co., Limited, _____, under the said Act.

(Or, where proceedings are pending.

1. Proceedings under the said Act are pending between the above-mentioned A.B., _____, and the above-mentioned C.D. & Co., Limited, _____, as to the amount of compensation payable to the said A.B., _____, under the said Act 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 in the above-mentioned matter, recorded in this Court on the _____ day of _____,

a weekly payment is payable to the above-mentioned A.B., by the above-mentioned C.D. & Co., Limited, 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. & Co., Limited, 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. & Co., Limited, 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. & Co., Limited, (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. & Co., Limited, and has also been examined by a medical practitioner selected by himself), and a copy of the report of the said practitioners 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 if necessary 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 if 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 this day of , 191 .
(Signed)

Applicant.
(or Applicant's Solicitor.)
C.D. & Co., Limited,
by Secretary.

(or Solicitors for C.D. & Co., Limited.)

To the Clerk of the Court.

FORM 31.

Order of Reference, Schedule I., paragraph 14.
In the Local Court at

(Heading as in application.)

On the application of A.B., of , of and C.D. & Co., Limited, of , of (a copy of which is hereto annexed), I hereby appoint Mr. of , a medical referee duly appointed for the purposes of "The Workers' Compensation Act, 1912," 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 if 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 if 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 practitioners 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 to the clerk at the Local Court at on or before the day of

Dated this day of , 191 .
Clerk of the Court.

FORM 32.

Order on Injured Worker to submit himself for Examination by Medical Referee.

In the Local Court at

(Heading as in application.)

To A.B., of (address and description).

Take notice that I have appointed Mr. of , a medical referee duly appointed for the purposes of "The Workers' Compensation Act, 1912," 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 this day of , 191 .
Clerk of the Court.

FORM 33.

Notice to Parties of Certificate of Medical Referee.

In the Local Court at

(Heading as in application.)

Take notice that I have received the certificate of the medical referee appointed in this matter, and that you may inspect the same 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 this day of , 191 .
Clerk of the Court.

To and

FORM 34.

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.

(Not to be printed, but to be used as a Precedent.)

In the Local Court at

In the matter of the Workers' Compensation Act, 1912.

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

of (or, where proceedings are pending,

No. of matter

A. B.

of (address)
(description)

Applicant,

C.D. & Co., Limited,

of (address)
(description)

Respondents.)

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

In the matter of an agreement recorded in the above-mentioned Court as to the weekly payment payable to A. B. of by C. D. & Co., Limited, of .)

Take notice that I intend to apply to the Court at on the day of at the hour of in the noon (on behalf of Messrs. C. D. & Co., Limited, of, etc.,) for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceedings under the above-mentioned Act 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. & Co., Limited), in accordance with paragraph of the first schedule to the Act (or that you obstruct the medical examination required by me (or by the said C. D. & Co., Limited) in accordance with paragraph

of the first schedule to the Act), (or on the ground that you refuse to submit yourself for examination by a medical referee as ordered under paragraph 14 of the first schedule to the Act, or that you obstruct the examination by a medical referee ordered under paragraph 14 of the first schedule to the Act, and for consequential directions, and for costs.

Dated this day of , 191 .
To A. B., of (Signed) C. D. & Co., Limited,
and to Messrs. by Secretary.
(his Solicitors). (or
Solicitors for C. D. & Co., Limited).

FORM 35.

Praecepte for Payment into Court under Schedule I., Paragraph 5.

(Not to be printed, but to be used as a Precedent.)

In the Local Court at
In the matter of the Workers' Compensation Act, 1912.
No. of matter

A. B.
of, etc. Applicant.

and
C. D. & Co., Limited,
of, etc. Respondents.

or
(In the matter of an agreement between

A. B.
of, etc. and

C. D. & Co., Limited,
of, etc.

(or as the case may be.)

Take notice, that C. D. & Co., Limited, of
(or Messrs. solicitors for C. D. & Co., Limited,
of do pay into court (when paid
by solicitors, add at the request and by the authority of
the said C. D. & Co., Limited,), the sum of (state
sum in letters), being the sum ordered (or agreed)
to be paid by the said C. D. & Co., Limited, as
compensation in the above-mentioned matter.

Dated this day of , 191 .
 (Signed) C. D. & Co., Limited,
 by Secretary.
 (or
Solicitors for C. D. & Co., Limited).

To the Clerk of the Court.

Received the abovementioned sum of
Clerk of Court.
(Date.)

FORM 36.

Notice by Registrar of Payment into Court under Schedule I., Paragraph 5.

In the Local Court at

(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 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 Act, 1912," and the Rules of Court made under the said Act.

Dated this day of , 19 .
Clerk of Court.

To

FORM 37.

Application for Investment or Application of Money paid into Court under Schedule I., Paragraph 5.

(Not to be printed, but to be used as a Precedent.)

In the Local Court at (

(Heading as in Praecepte for Payment into Court.)

Take notice that I (name and address of applicant) intend to apply to the Magistrate at on the day of , 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 the same 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.)

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

(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 Act, and for consequential directions.

Dated this day of , 191 .
(Signed)

To the Clerk of the Court and (to any other parties interested, where the application is made on behalf of some only of the parties interested).

FORM 38.

Application for Order for Payment into Court of Weekly Payment payable to Persons under Disability. Schedule I., Paragraph 7.

(Not to be printed, but to be used as a Precedent.)

In the Local Court at

(Heading as in Order or Memorandum of Agreement.)

Take notice that I (name and address of applicant) intend to apply to the Court on the day of , 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 this day of , 191 .

(Signed)
To the Clerk of the Court and (to the parties interested).

FORM 39.

Application for Variation of Order under Schedule I., Paragraph 9.

(Not to be printed, but to be used as a precedent.)

(Heading as in Order or Memorandum of Agreement.)

Take notice that I (name and address of applicant) intend to apply to the Court on the day of , at the hour of in the noon, for an order that the order made in the above-mentioned matter on the day of 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, should 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 this day of , 191 .

(Signed)

Applicant.

(Or

Applicant's Solicitor.)

To the Clerk of the Court and to (all persons interested.)

FORM 40.

(To be printed on thick foolscap.)

Certificate of Identity.

(To be carefully preserved.)

Notice.—This Certificate is no security whatever for a Debt.

No. of Certificate

In the Local Court at

(Heading as in Order, or Memorandum of Agreement.)

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. is as follows:—

Age,

Height,

Hair,

Eyes,

Nature of injury and incapacity,

Dated this day of

, 191

Clerk of Court.

FORM 41.

Notice to be given to Worker intending to cease to reside in Western Australia.

(Heading as in Order, or Memorandum of Agreement.)

Take notice, that if you desire to obtain payment of the weekly payments payable to you under the order (or memorandum of agreement) hereto annexed while you are residing out of Western Australia 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 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 continues: and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned, and make a declaration in the form hereto annexed that you are the same person as mentioned 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 certificates above mentioned.

You must then transmit 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.

The persons before whom a certificate may be verified or a declaration made are:—

1. Any person having authority to administer an oath in the place in which you reside.

2. Any British ambassador, envoy, minister, chargé d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this day of

, 191
Clerk of the Court.

To A. B.

of (address and description).

FORM 42.

Form of Medical Certificate to be obtained by Worker residing out of Western Australia.

(Heading as in Order or Memorandum of Agreement.)

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 certificate of identity dated the day of 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 still continues.

Dated this day of , 191

(Signature)

Declared at this day of , in the presence of the said A. B. , the copy of 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.)

FORM 43.

Declaration of Identity by Worker residing out of Western Australia.

(Heading as in Order or Memorandum of Agreement.)

I, A.B., of , hereby declare that I am the same person as A.B., of , described in the certificate of identity, dated the day of , 191 , 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 , and now produced by me.

(Signed)

A.B.

Declared at this day of , the certificates above-mentioned being at the same time produced,

Before me—

(Signature and description of person before whom the declaration is made as) —

FORM 44.

Request for Transmission of Amount of Weekly Payments by Worker residing out of Western Australia.

(Heading as in Order or Memorandum of Agreement.)

Sir,
I herewith enclose medical certificate and affidavit 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)

(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).

I am, etc.,

A.B.

(To be signed by the worker in his own handwriting.)

To the Clerk of the Local Court at Western Australia.

FORM 45.

Notice by Clerk to Employer of Receipt of Medical Certificate and Declaration of Identity.

(Heading as in Order or Memorandum of Agreement.)

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 transmit the sum of , being the amount of the weekly payments payable to A.B., under the above-mentioned order (or memorandum) from (the date to which they were last paid) to (13 weeks from that date) to me, to be by me remitted to the said A.B.

Dated this day of , 191

Clerk of the Court.

To (name and address of employer).

FORM 46.

Register.

“The Workers’ Compensation Act, 1912.”
Register.

No. of Matter.	Title.	Date of Proceeding.	Nature of Proceeding.

THE WORKERS' COMPENSATION ACT, 1912.

Regulations.

Colonial Secretary's Department,
Perth, 18th February, 1913.

HIS Excellency the Governor in Executive Council
has been pleased to make the following Regulations
under "The Workers' Compensation Act, 1912."

F. D. NORTH,
Under Secretary.

REGULATIONS

UNDER "THE WORKERS' COMPENSATION ACT, 1912."

Scheme under Section 8.

1. (1.) Every application to the Registrar for a certificate to a scheme under Section 8 of "The Workers' Compensation Act, 1912" (in these regulations termed "the Act"), shall be in Form A in the Schedule. If a scheme includes the workmen of more than one employer a separate application shall be made by each employer.

(2.) On the consideration of the application, the Registrar may require the attendance of the employer or of any of the workers of that employer, and may examine them as to such scheme.

(3.) The Registrar may, after due consideration of the scheme, issue a certificate under his hand that such scheme is, on the whole, not less favourable to the general body of workers and their dependants than the provisions of the Act, or he may refuse to issue a certificate.

(4.) Such certificate may be in the Form B in the Schedule.

(5.) Every complaint by or on behalf of workers under Subsection (4) of Section 8 may be in the Form C in the Schedule.

(6.) The following fees shall be payable:—

	£	s.	d.
For every certificate to a scheme, or for the renewal of certificate to a scheme	1	0	0
For every certificate to an amendment of a scheme	0	10	0
For every inspection on the same day of documents (whether one or more) in the custody of the Registrar relating to one and the same scheme	0	1	0
For every copy or extract of any document in the custody of the Registrar, per folio of 72 words ..	0	0	4

Examination of Worker by Medical Practitioner.

2. (1.) Where a worker has given notice of an accident or is in receipt of weekly payments under the Act, he shall not be required to submit himself, against his will, for examination by a medical practitioner provided by the employer except at reasonable hours.

(2.) A worker in receipt of weekly payments 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 practitioner provided by the employer except at the following intervals:—Once a week during the second, and once a month during the third, fourth, fifth, and sixth

months, after the date of the first payment, and thereafter once in every two months.

Provided that where after the second month an application has been made to a Local Court for a review of the weekly payment, the worker may be required, pending and for the purposes of the settlement of the application, to submit himself to an additional examination.

Reference to Medical Referee.

3. (1.) A medical referee shall, on receipt of a reference under Schedule 1, paragraph (14) of the Act, duly signed and sealed, fix a time and place for the examination of the worker, and shall send notice accordingly to both the parties signing the application on which the reference is made in the Forms D and E in the Schedule.

(2.) Before giving the certificate required by the reference, the medical referee shall personally examine the worker and shall consider any statements that may be made or submitted by either party.

(3.) The certificate given by the medical referee shall be according to the Form F in the Schedule.

(4.) The medical referee shall forward his certificate to the clerk of the Court from whom he received the reference.

(5.) The following shall be the scale of fees to be paid to medical referees:—

	£	s.	d.
(i.) for a first reference (to include all the duties performed in connection therewith) ..	2	2	0
(ii.) For a second or subsequent reference to the same medical referee in the same case ..	1	1	0
(iii.) Where, in order to examine the injured worker, the medical referee is compelled to travel to a place distant more than two miles from his residence or surgery, in addition to the above fees, for each mile exceeding two miles	0	5	0
(iv.) When the medical examination is held within the Magisterial Districts of Kimberley East, Kimberley West, Kimberley Goldfields, Broome, Roebourne, Pilbara, Port Hedland, Ashburton, Peak Hill, Gascoyne, Murchison, Murchison East, Mt. Margaret, Yalgoo, Coolgardie North, Broad Arrow, Coolgardie, Coolgardie North-East, Coolgardie East, Yilgarn, Dundas, Phillips River, or Esperance the fees under Clauses (i.) and (ii.) shall respectively be increased by	0	10	6

Enforcing Charge on Property.

4. (1.) The charge created by Section 18 of the Act may be enforced by sale of the property subject to the charge at such times in such manner and subject to such conditions as the Court awarding compensation or damages orders.

(2.) For the purpose of this Regulation, the Court may make orders from time to time, either on its own motion or on the application of the party entitled to compensation.

Fees.

5. All fees which may be received by the Registrar under or by virtue of these Regulations shall be paid into the Treasury to the credit of the general revenue.

Modification of Forms.

6. When anything is required to be in any of the Forms in the Schedule, it shall be sufficient if it be to the like effect, and any of such Forms may be modified to suit particular cases.

FORM A.

The Workers' Compensation Act, 1912.

Application for Certificate of Registrar to Scheme under Section 8.

Title of Scheme.....

Nature of Employment.....

Situation of Works.....

Application is hereby made to the Registrar for his certificate under Section 8 of the above-named Act to the Scheme herein.

This application is made by the undersigned employer and workers.

The undersigned workers have been authorised to join in it by.....out of the total number of..... workers in the employment. (*State how authority was given. The statement should be authenticated.*)

The following is a comparison of the provisions of the Scheme with those of the Act:—

	SCALE OF COMPENSATION.	
	By Act.	By Scheme.
On death of a worker leaving dependants	£300 to £400 subject to the conditions mentioned in the Act Not exceeding £100.	
On death of a worker leaving no dependants		
During incapacity for work		Not exceeding 50 per cent. of earnings, and not exceeding £2 per week; maximum um, £400.

The following are the benefits provided by the Scheme other than those of the Act:—

The contribution of the employer to the Scheme is to be.....

The contribution of the workers to the Scheme is to be.....

The Scheme contains no obligation upon the workers to join the Scheme as a condition of their hiring.

The views of the employer are as follows:—

(Signature)

Employer.

The views of the undersigned workers are as follows:—

(Signatures)

.....
.....
.....
.....
.....

Workers.

To the Registrar of Friendly Societies.

FORM B.

The Workers' Compensation Act, 1912.

Certificate of Registrar to Scheme.

Having considered the application dated the day of , 191 , and made by of and under Section 8 of the above-mentioned Act, I hereby certify that I am of the opinion that the Scheme for compensation therein submitted is, on the whole, not less favourable to the general body of workers and their dependants than the provisions of the said Act.

Dated this day of , 191 .

Registrar of Friendly Societies.

FORM C.

Workers' Compensation Act, 1912.

Form of Complaint of Workers.

Scheme No. To the Registrar of Friendly Societies.
Complaint is hereby made by or on behalf of the Workers of (the employer under the above-mentioned scheme):—

1°. That the benefits conferred by the scheme no longer conform to the conditions stated in subsection (1) of Section 8 of the above-mentioned Act in the following respects:—

or

2°. That the provisions of the scheme are being violated in the following respects:—

or

3°. That the scheme is not being fairly administered in the following respects:—

or

4°. That the following reasons exist for revoking the certificate to the scheme:—

You are requested to examine into this complaint, and if satisfied that good cause exists for it, to revoke the certificate to the scheme unless the cause of complaint is removed.

The undersigned have been authorised in the following manner to make the complaint on behalf of themselves and the other workers of the said employer:—

Workers.

Date, , 191 .

FORM D.

Notice by Medical Referee to Employer or Solicitor signing the application on Employer's behalf (Schedule I. (14)).

Workers' Compensation Act, 1912.

To

I hereby give you notice that in accordance with the reference made to me by the Clerk of the Local Court at , under Schedule I., paragraph (14), of the above-named Act, in the case of (name and address of worker), I propose to examine the said at on the day of , 191 , at o'clock in the noon.

Any statements made or submitted by you (or, if notice is addressed to the solicitor, by the employer), will be considered.

Dated this day of , 191 .

(Signed)

Medical Referee.

FORM E.

Notice by Medical Referee to Worker or Solicitor signing the application on Worker's behalf (Schedule I. (14)).

Workers' Compensation Act, 1912.

To

I hereby given you notice that in accordance with the reference made to me in your case (or, if notice is addressed to the solicitor), in the case of (name and address of worker), by the Clerk of the Local Court at , under Schedule I., paragraph (14), of the above-named Act, I propose to examine you (or the said) at on the day of , 191 , at o'clock in the noon.

And you are required to submit yourself (or the said is required to submit himself) for examination accordingly.

Any statements made or submitted by you (or, if notice is addressed to the solicitor, by the worker) will be considered.

Dated this day of , 191 .

(Signed)

Medical Referee.

FORM F.

Certificate of Medical Referee as to condition of Worker and fitness for employment, or as to whether or to what extent incapacity of Worker is due to the accident (Schedule I. (14)).

Workers' Compensation Act, 1912.

In accordance with the reference made to me by the Clerk of the Local Court at upon the appli-

cation of (names and addresses of parties) I have on the day of examined the said (name of worker), and I hereby certify as follows:—

1. The said is*

and his condition is such that he is†

2. The incapacity of the said is‡

Note.—Either paragraph 1 or paragraph 2 to be filled up, or both to be filled up, according to the terms of the Reference.

Dated this day of , 191 .

(Signed)

(Medical Referee).

* Describe state of health.

† State whether worker is fit for his ordinary or other work, specifying where necessary the kind of work, or whether he is unfit for work of any kind.

‡ State whether or to what extent the incapacity is due to the accident.