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OF

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[1913]

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



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