

# WORKMEN'S COMPENSATION ORDINANCE 1977

## No. 12 of 1977

### An Ordinance to amend the *Workmen's Compensation Ordinance*

[Assented to 29 April 1977]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Workmen's Compensation Ordinance* 1977. Short title

2. The *Workmen's Compensation Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 10(1) of the Principal Ordinance is amended by omitting "20,000 dollars" and substituting "25,000 dollars". Compensation for certain injuries

4. Section 11(2A) of the Principal Ordinance is amended by omitting "500 dollars" and substituting "700 dollars". Medical and surgical treatments, hospital treatments or nursing and ambulance services

5. Section 12(1) of the Principal Ordinance is amended by omitting "14 dollars" and substituting "20 dollars". Additional compensation where workman requires constant help of another person

6.(1) The Second Schedule to the Principal Ordinance is amended by omitting paragraph (1B) and substituting the following paragraph: Second Schedule

"(1B) If—

(a) in respect of a week the prescribed amount applicable to the workman is less than the sum of the amounts calculated under paragraph (1A); or

(b) in respect of a week, being one of the first 26 weeks of the period of incapacity, or of the aggregate of the periods of incapacity, the prescribed amount applicable to the workman exceeds the sum of the amounts calculated under paragraph (1A),

the amount of compensation payable to the workman in respect of that week shall be the prescribed amount."

(2) The Second Schedule to the Principal Ordinance is amended as set out in the following table:

Provision amended	Omit	Insert
Paragraph 1 (a)	20,000 dollars (twice occurring)	25,000 dollars
Paragraph 1 (b)	7 dollars	10 dollars
Paragraph 1 (c)	450 dollars	650 dollars
Paragraph 1A (a)	57 dollars	80 dollars
Paragraph 1A (b)	15 dollars	21 dollars
Paragraph 1A (c)	15 dollars	21 dollars
Paragraph 1A (d)	7 dollars	10 dollars
Paragraph 1A (e)	7 dollars	10 dollars
Paragraph 1C (a)	57 dollars	80 dollars
Paragraph 2 (a) (ii)	3,300 dollars	4,650 dollars
Paragraph 8A	700 dollars (twice occurring)	1,000 dollars
Paragraph 12.	20,000 dollars	25,000 dollars

Adjustment of  
weekly pay-  
ments under  
prior Ordi-  
nances

7.(1) Where, immediately before the date of commencement of this Ordinance, a person was receiving or was entitled to receive, weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance.

(2) Where, before the date of commencement of this Ordinance—

- (a) a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance would have been payable immediately before that date but for the fact that he did not require the constant help or attention of another person or that he was not then incapacitated for work; and
- (b) on or after that date, he required the constant help or attention of another person, or became incapacitated for work, as a result of the injury or disease,

weekly payments in respect of that requirement or incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

(3) Where on or after the date of commencement of this Ordinance, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under the Principal Ordinance, compensation shall be paid in respect of that death in accordance with the Principal Ordinance as amended by this Ordinance.

Existing  
policies of  
insurance

8.(1) A policy of insurance against liability under the Principal Ordinance in force immediately before the commencement of this Ordinance has effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability that he may incur by reason of the application of section 7 and sub-section (1), additional premium for the period during which the additional liability is incurred under the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

(3) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury sustained or a disease contracted before the commencement of this Ordinance, the insurer is liable to indemnify the person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of an injury or the contracting of the disease.

(4) The amendments made by sections 3 and 4 apply in relation to an injury sustained on or after the date of commencement of this Ordinance, notwithstanding that the accident or disease that caused the injury occurred before that date.

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