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## RULES UNDER THE WORKERS' COMPENSATION ACT 1928.

### PRELIMINARY.

1. These Rules may be cited as "The Workers' Compensation Rules," and shall come into operation on 2nd day of March, 1931.

2. In these Rules words importing the masculine gender shall be deemed and taken to include females and the singular to include the plural and the plural the singular unless the contrary as to gender or number is expressly provided. Interpretation.

Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

The words—

"clear days" shall mean that in all cases in which any particular number of days is prescribed for doing any act or for any other purpose the same shall be reckoned exclusive both of the first and of the last day.

"Judge" means a Judge of County Courts.

"Magistrate" means a Police Magistrate.

"Registrar" shall mean a Registrar, Deputy Registrar or Assistant Registrar of the County Court in the place in which proceedings may be commenced or to which they have been transferred.

"The Act" shall mean the *Workers' Compensation Act* 1928 and any Act amending same.

2a. So far as relates to payments of compensation into and out of Court, any reference to a County Court in these Rules shall include a reference to a Court of Petty Sessions, consisting of a Police Magistrate, and reference to a Judge of County Courts, or to the Registrar of the County Court shall include a reference to a Police Magistrate and a Clerk of Petty Sessions respectively, provided that the Clerk of Petty Sessions is an officer of the Clerical Division of the Public Service of Victoria.

2b. Payments of compensation moneys into and out of a County Court pursuant to the Workers' Compensation Act may be made into and out of a Court of Petty Sessions where the Clerk of Petty Sessions is a member of the Clerical Division of the Public Service of Victoria, except in cases of the Courts of Petty Sessions in the Cities of Melbourne, Ballarat, Bendigo, and Geelong, and all Courts of Petty Sessions within a radius of 20 miles of the said cities.

#### PARTIES TO ARBITRATION.

Parties to Arbitration.

3. (1) When application is made for the settlement of any matter which under the Act is to be settled by Arbitration the party making such application shall be called the "Applicant" and subject to these Rules all other persons whose presence at the Arbitration may be necessary to enable the Judge or Magistrate effectively and completely to adjudicate upon and settle all the questions involved shall be made parties to the application and shall be called the "Respondents."

(2) In any case in which both the principal contractor and a contractor with him are alleged to be liable to pay compensation under the Act all persons may be joined as Respondents against whom the right to any relief is alleged to exist whether jointly severally or in the alternative.

Joinder of several Applicants.

4. More persons than one may be joined as Applicants in one Arbitration in any case in which any right to any relief arising out of the same injury to the same worker is alleged to exist whether jointly severally or in the alternative provided that the Judge or Magistrate upon the application of any Respondent if it appear to him that such Joinder may embarrass or delay the proceedings may order separate hearings.

Application by Dependents for settlement of compensation.

5. (1) An application on behalf of the Dependents of a deceased worker for the settlement by Arbitration of the amount payable as compensation to such Dependents may be made by the legal personal representative (if any) of the deceased workman on behalf of such Dependents or by the Dependents themselves and in either case the particulars to be filed as hereinafter mentioned shall contain particulars as to the Dependents on whose behalf the application is made.

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

(3) In the construction of this Rule the term "Dependents" shall include persons who claim or may be entitled to claim to be Dependents but as to whose claim to rank as Dependents any question arises.

Application by dependents under Act, Second Schedule, paragraph (8). Where amount of compensation agreed upon or ascertained.

6. (1) In any case in which the amount payable as compensation to the Dependents of a deceased worker has been agreed upon or ascertained, but any question arises as to who are Dependents or as to the amount payable to each Dependent an application for the settlement of such question by Arbitration may be made either by the legal personal representative (if

any) of the deceased worker on behalf of the Dependants or any of them or by such Dependants or any of them against the other Dependants and the persons claiming or who may be entitled to claim to be Dependants but as to whose claim to rank as such a question arises; or 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 to 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 the County Court in the place in which the proceedings have been commenced to be dealt with as the Judge shall direct, and thereupon further proceedings against him shall be stayed.

7. (1) An application for the settlement by Arbitration 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 be 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 an Applicant or Respondent.

Parties to arbitration as to sum payable for medical attendance and burial. Act. Second Schedule, par. (1) (a) (iii).

(2) In any case in which application is made for the settlement by Arbitration of such amount the amount awarded 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 Judge or Magistrate shall direct.

Apportionment of such sum.

8. The provisions of the County Court Rules for the time being as to parties suing or defending on behalf of other persons having the same interest, and the provisions of those Rules as to persons under disability and partners suing and being sued shall, with the necessary modifications, apply to proceedings by way of Arbitration under the Act.

8a. Provided that the Judge may at any time direct that an infant shall appear either as Applicant or Respondent in the same manner as if he were of full age.

9. (1) Where any question has arisen and has not been settled by agreement an application for the settlement of the matter by Arbitration shall be made by the Applicant filing with the Registrar a request for Arbitration intituled in the matter of the Act and in the matter of the Arbitration which request shall state concisely the subject matter of the claim.

Requests for arbitration.

**Particulars.**

(2) 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 ;
- (c) The full names and addresses of the Respondents and of the Applicant and of his barrister and solicitor if the proceedings are commenced through a barrister and solicitor.

**Forms of request and particulars.  
Forms 1 to 10.**

10. (1) The request and particulars shall be according to such one of the forms in the Appendix hereto 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.**

11. (1) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by Arbitration he shall file with the Registrar a request for Arbitration in accordance with Rule 10 to which the worker or the legal personal representative (if any) and the persons claiming or who may be entitled to claim to be Dependents of a deceased worker or the other person (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 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 settled by Arbitration ; and
- (d) the full names and addresses of the Respondents and of the Applicant and of his barrister and solicitor if the proceedings are commenced by a barrister and solicitor.

**Copies for Judge or Magistrate and for respondents.**

12. The Applicant shall deliver to the Registrar with the request and particulars a copy thereof for the Judge or Magistrate and a copy for each Respondent to be served.

**Where applicant illiterate.**

13. 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 Registrar or his clerk.

PROCEEDINGS IN ARBITRATION BEFORE JUDGE OR MAGISTRATE.—  
FIXING DAY AND PLACE FOR ARBITRATION.

14. On the filing of a request for Arbitration the Registrar shall transmit a copy of the request and particulars to the Judge or Magistrate who shall as soon as conveniently may be appoint the place of hearing and the day and hour for proceeding with the Arbitration. Such day shall be so fixed as to allow the copies and the request and particulars to be served on the Respondents at least eighteen clear days before the day so fixed. The Registrar shall at the beginning of every month make out lists of cases fixed by the Judge or Magistrate for Arbitration and they will be taken in the order in which they stand in the lists.

Fixing day and  
place for  
arbitration.

NOTICE OF DAY FIXED.

15. (1) On the day for proceeding with an Arbitration being fixed the Registrar shall give or send by post notice in writing to the Applicant stating the place at which and the day and hour when the Arbitration will be proceeded with and shall issue the copies and the request and particulars for service on the Respondents together with notices stating the place at which and the day and hour on and at which the Arbitration will be proceeded with and that if the Respondents do not attend in person or by their barristers and solicitors such order will be made and proceedings taken as the Judge or Magistrate may think just and expedient.

Notice to  
parties.

Form 11.

Form 12.

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

SERVICE ON RESPONDENTS.

16. (1) The copies and notices mentioned in the last preceding Rule shall be served on the Respondents at least eighteen clear days before the day fixed for proceeding with the Arbitration.

Service on  
respondents.

(2) The copies and notices mentioned in the last preceding Rule may be served—

- (a) by a bailiff of a court ;  
or, at the request of the Applicant or his barrister and solicitor ;
- (b) by the Applicant or some clerk or servant in his permanent and exclusive employ ; or
- (c) by the Applicant's barrister and solicitor or a solicitor acting as agent for such barrister and solicitor or some person in the employ of either of them or some person employed by either of them to serve such copies and notices.

(3) Service may be effected by delivering the copy and notice to the person on whom it is to be served or by sending it by post in a registered letter addressed to him at his residence or place of business in accordance with the provisions of sub-sections (3) (4) and (5) of section 11 of the Act.

Where service  
effected  
otherwise than  
by bailiff.

Form 13.

Service by post.

Answer by  
Respondent.

Form 14.

(4) Where service is effected otherwise than by a bailiff a copy of the document served with the date and mode of service indorsed thereon shall within three clear days next after the date of service or such further time as may be allowed by the Registrar of the court issuing such document be delivered or transmitted to such Registrar by the Applicant. The Applicant shall also (unless the Respondent files an answer) after the time limited for filing an answer deliver or transmit to the Registrar an affidavit of service of such according to the form in the Appendix with such variations alterations and additions as the circumstances of the case may require.

(5) Where a document is served by post it shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

17. (1) If any Respondent desires to disclaim any interest in the subject-matter of an Arbitration 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 Judge or Magistrate 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 ten clear days at least before the day fixed for proceeding with the Arbitration file with the Registrar an answer stating his name and address and the name and address of his barrister and solicitor (if any) and stating that he disclaims any interest in the subject-matter of the Arbitration or stating in what respect the Applicant's particulars are inaccurate or incomplete or stating concisely any fact or document which he desires to bring to the notice of the Judge or Magistrate 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 Judge or Magistrate and one copy for each of the other Respondents and the Registrar shall within twenty-four hours after receiving such copies transmit the same by post to the Applicant and the other Respondents respectively, and may post or deliver a copy to the Judge or Magistrate.

(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 case of non-compliance with this Rule and of the Applicant not consenting at the Arbitration 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 Judge or Magistrate may on such terms as he shall think fit either proceed with the Arbitration and allow the Respondent to avail himself of such matter or adjourn the Arbitration to enable the Respondent to file such answer.

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

SUBMISSION TO AWARD 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 Arbitration—

Submission to  
award or  
payment into  
court by  
Respondent.

(a) Where the application is made by an injured worker file with the Registrar a notice that the Respondent submits to an award for the payment of a weekly sum to be specified in such notice; or

Form 15.

(b) Where the application is made on behalf of the Dependants of the deceased worker or for the settlement of the sum payable in respect of medical attendance on and the burial of a deceased worker who leaves no Dependants pay into the County Court in the place in which proceedings have been commenced such sum of money as the Respondent considers sufficient to cover his liability in the circumstances of the case.

(2) The Registrar shall within twenty-four hours from the time of any notice filed or payment made pursuant to the last preceding paragraph send notice thereof (with, where notice is filed, a copy of such notice) to the Applicant and to the other Respondents (if any).

Forms 16 and 17.

(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 Registrar and to the Respondent by post or leave at the Registrar's office 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 Arbitration as the time of filing of notice of submission by the Respondent has permitted.

Acceptance  
of weekly  
payment  
offered.  
Form 18.

(4) If the application for Arbitration is made on behalf of the Dependants of the deceased worker or for the settlement 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 which medical attendance and burial as the case may be he shall send to the Registrar and to the Respondent by post or leave at the Registrar's office 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 Arbitration as the time of payment into court by the Respondent has permitted.

Acceptance of  
sum paid into  
court.  
Form 18.

Procedure  
weekly payment  
offered or sum  
paid in is  
accepted.

If there be 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 Registrar and to the Applicant and 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 Respondents give notice of their willingness to accept the sum paid into court the following provisions shall apply :—

(a) Where the Respondent submits to an award for the payment of a weekly sum the Judge or Magistrate may on an application made to him forthwith make an award 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 Judge may on application made to him on behalf of or with the consent of all such parties forthwith make an award for such apportionment and application.

(ii) In any other case the Arbitration may proceed as between the Applicant and the other Respondents.

Costs payable  
by Respondent.

(c) In any such case the Judge or Magistrate may in his discretion by his award order the Respondent filing notice of submission to an award or paying money into court to pay such costs as the Applicant and the other Respondents or any of them may have properly incurred before the receipt of notice of submission to an award or payment into court and his or their costs properly incurred in relation to notice of submission to an award or payment into court and of the notice of acceptance included if the Judge or Magistrate on consideration of the facts of the case shall so order any items which might have been allowed by order of the Judge or Magistrate at the hearing of the Arbitration.

Form 18.

(d) If the Applicant or any Respondent intends to apply for any such costs he shall give notice of his intention in his notice of acceptance according to the form in the Appendix or where the time of filing notice of submission to an award or the time of payment into court by a respondent does not permit of notice on 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 payments which the Respondent has submitted to pay or the sum paid into court at any time before the Arbitration is called on and opened subject to the payment of any costs which may have been reasonably incurred by the Respondent since the date of filing notice of submission or the date of payment into court and which may be allowed by the Judge or Magistrate and the Judge or Magistrate may order any costs so allowed to be paid by the parties 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 payments or compensation awarded to such party.

Acceptance at any time before Arbitration opened.

(7) In default of notice of acceptance by the Applicant and all the Respondents the Arbitration may proceed but if no greater weekly payments 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 Judge or Magistrate may order any costs incurred by such Respondent after notice of submission to an award or payment into court to be paid by any party who has not given notice of acceptance of such weekly payment or sum and may order 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. The Judge or Magistrate 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.

Procedure and costs if weekly sum offered or sum paid in is not accepted.

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

Submission to award or payment into court where employer admits liability.

(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 Arbitration instead of filing a notice that he submits to an award for the payment of a weekly sum file a notice that he submits to an award for the payment of a lump sum to be specified in the notice which he considers to be sufficient to cover his liability in the circumstances of the case and may thereupon pay such sum into the County Court in which proceedings have been commenced 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.

Payment into court in case of injury to workman.

(10) An employer who denies liability may file a notice of submission to an award or pay money into court in accordance with this Rule accompanied by a notice stating his name and address and further stating that notwithstanding such submission or payment he denies his liability together with as many copies of such notice as there are parties to whom notice of such submission or payment is to be sent and the provisions of this Rule shall with the necessary modification apply to a case in

Submission to award or payment into court with denial of liability.

which an employer files a notice of submission to an award or pays money into court under this paragraph and a copy of the notice denying liability shall be sent by the Registrar to every person to whom notice of submission to an award or payment into court has to be sent.

NOTICE TO PARTIES AGAINST WHOM INDEMNITY CLAIMED UNDER SECTION 14.

Notice of claim  
to indemnity  
under section 14  
Form 23.

19. Where a Respondent claims to be entitled under section 14 of the Act to indemnity against any person not a party to the Arbitration he shall seven clear days at least before the day fixed for proceeding with the Arbitration file with the Registrar a notice of his claim according to the form in the Appendix and serve a copy of the same together with a copy of the Applicant's request and particulars and of the notices served on the Respondent under Rules 15 and 16 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 in the Arbitration as against the Respondent on whose behalf the notice has been given or his own liability to such Respondent he must appear before the Judge or Magistrate on the day fixed for proceeding with the Arbitration or on any day to which he may have received notice from the Registrar that the Arbitration has been adjourned or postponed and in default of his so doing he shall be deemed to admit the validity of any award made against such Respondent as to any matter which the Judge or Magistrate has jurisdiction to decide in the Arbitration as between the Applicant and the Respondent whether such award is made by consent or otherwise and his own liability to indemnify the Respondent to the extent claimed in the notice served on him by the Respondent.

Provided, that if it appears to the Judge or Magistrate before or at the Arbitration that the notice of claim has not been served on the Third Party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the Third Party is unable to appear on such day, the Judge or Magistrate may adjourn the proceedings in the Arbitration on such terms, as to costs or otherwise, as may be just.

Proceedings in  
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 Arbitration results in an award in favour of the Applicant or the Arbitration is finally decided in favour of the Applicant otherwise than by an award the Arbitrator may on the application of the Respondent make such award 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 Judge or Magistrate until after satisfaction of the Respondent by the award or the amount recovered against him provided that the Judge or Magistrate may set aside or vary any award made by him against the Third Party, under this Rule upon such terms as may be just.

22. The Third Party or the Respondent may apply before or at the Arbitration to the Judge or Magistrate for directions and the Judge or Magistrate 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 Arbitration and if not so satisfied may make such award as the nature of the case may require in favour of the Respondent giving the notice against the Third Party or the Judge or Magistrate may if it appears desirable so to do give the Third Party leave to resist the claim of the Applicant against the Respondent upon such terms as may be just or to appear at the Arbitration and take such part therein as may be just and generally may give such directions as he 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 award in the Arbitration.

Application  
for directions  
may be given.

23. The Judge or Magistrate may decide all questions of costs as between a Third Party and the other parties to the Arbitration and may order any one or more to pay the costs of any other or others or give such direction as to costs as the justice of the case may require.

NOTICE TO PARTIES AGAINST WHOM INDEMNITY CLAIMED UNDER  
SECTION 16 OR OTHERWISE.

24. (1) Where the Respondent claims that if compensation is recovered against him he will be entitled under section 16 of the Act or otherwise than under section 14 to indemnity against any person not a party to the Arbitration he shall file and serve a notice of his claim in accordance with Rule 19.

Notice of claim  
to indemnity  
under section 16  
or otherwise  
than under  
section 14.  
Form 23.

(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 in the Arbitration as against the Respondent on whose behalf the notice has been given, he must appear before the Judge or Magistrate on the day fixed for proceeding with the Arbitration, or on any day to which he may have received notice from the Registrar that the Arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such Respondent as to any matter which the Arbitrator has jurisdiction to decide in the Arbitration as between the Applicant and the Respondent, whether such award is made by consent or otherwise.

If person served  
makes default  
he is to be  
deemed to  
admit validity  
of award  
against  
Respondent.

Provided, that if it appears to the Judge or Magistrate before or at the Arbitration that the notice of claim has not been served on the Third Party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the Third Party is unable to appear on such day, the Judge or Magistrate may adjourn the proceedings in the Arbitration on such terms, as to costs or otherwise, as may be just.

Where notice  
not served in  
due time.

Application to  
Judge for  
directions as to  
conduct of  
Arbitration.

(3) The Third Party or the Respondent may apply before or at the Arbitration to the Judge or Magistrate for directions; and the Judge or Magistrate upon the hearing of the application, may, if it appears desirable so to do, give the Third Party leave to resist the claim of the Applicant against the Respondent upon such terms as may be just, or to appear at the Arbitration and take such part therein as may be just, and generally may give such directions as he shall think proper.

Costs.

(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.

Judge or  
Magistrate how  
far empowered  
to decide  
questions as to  
liability of Third  
Party.

(5) Nothing in this Rule shall empower the Judge or Magistrate to decide (otherwise than by consent) any question as to the liability of the Third Party to indemnify the Respondent, or to make any award in favour of the Respondent against the Third Party, or to make any further or other order than that the Third Party shall not be entitled in any future proceedings between the Respondent and such Third Party to dispute the validity of the award as to any matter which the Judge or Magistrate has jurisdiction to decide in the Arbitration as between the Applicant and the Respondent.

(6) Provided, that with the consent of the Respondent and the Third Party:

(a) If the Arbitration results in an award in favour of the Applicant, or is finally decided in favour of the Applicant otherwise than by an award, and the Third Party admits his liability to indemnify the Respondent, the Judge or Magistrate may, on application made to him at or after the hearing of the Arbitration or the final decision thereof, make such award 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 Judge or Magistrate until after satisfaction by the Respondent of the award against him or the amount recovered against him: or

(b) The Judge or Magistrate may on an application for directions order any question as to the liability of the Third Party to make the indemnity claimed to be settled, as between the Respondent and the Third Party by Arbitration after the Arbitration between the Applicant and the Respondent, and may on such subsequent Arbitration make such award as the nature of the case may require in favour of either party against the other.

(c) In any such case the Judge or Magistrate may decide all questions of costs as between the Respondent and the Third Party and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the Arbitration) or give such directions as to 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 for Arbitration claims to be entitled to indemnity against any person not a party to the Arbitration.

Third party  
procedure  
where  
employer is  
applicant.

## 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.

Claim to  
indemnity as  
between  
Respondents.

(2) Nothing herein contained shall prejudice the rights of the Applicant against any Respondent.

## ABRIDGMENT OF TIME FOR SERVICE, ETC.

27. The Judge or Magistrate may for good cause shown enlarge or abridge the time fixed by these Rules for service of a request for Arbitration on any Respondent, or the time for filing an answer or serving a Third Party notice or for taking any step or filing any document or giving any notice in any matter; 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 or Applicant as the case may be.

Abridgment of  
time for  
service,  
answer, &c.

## PROCEDURE ON ARBITRATION.

28. (1) Subject to the special provisions of these Rules, the procedure in an Arbitration shall be the same as the procedure including the power to grant adjournments in an action commenced in the County Court by plaint and summons in the ordinary way, and shall be determined by the Judge or Magistrate without a jury in so far as such procedure is applicable to proceedings by way of Arbitration; and the statutory provisions and Rules shall, with the necessary modifications, apply to such Arbitration accordingly; and in the application of such provisions and Rules the applicant's request for Arbitration shall be deemed to be a summons with particulars annexed, the day fixed for proceeding with the Arbitration shall be deemed to be the return day, and the Applicant and Respondents shall be deemed to be Plaintiff and Defendants respectively.

Procedure on  
Arbitration.

(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 for Arbitration is filed.

Burden of  
proof of facts  
not admitted.

## AWARD.

29. (1) When the Judge or Magistrate has drawn up signed and made his award he shall cause it to be filed at the office of the Registrar who shall prepare copies sufficient for service on all persons affected thereby and forthwith send one copy of the same by post or otherwise to each of such persons.

Award.  
Form 24.

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

## APPEARANCE OF PARTIES IN ARBITRATION.

Appearance of parties.

30. (1) A party to any Arbitration may appear—

- (a) In person;
- (b) By barrister and solicitor;
- (c) By counsel;

Or, by leave of the Judge or Magistrate, a party may appear—

- (d) By a member of his family;
- (e) By a person in the permanent and exclusive employment of such party;
- (f) In the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation;
- (g) By any officer or member of any society or other body of persons of which such party is a member or with which he is connected, or, where death results from the injury, by any officer or member of any society or other body of persons of which the deceased workman was a member or with which he was connected; or
- (h) Under special circumstances, by any other person.

(2) No person other than a barrister and solicitor who appears or acts on behalf of any party in any Arbitration under the Act shall be entitled to have or recover any fee or reward for so appearing or acting, other than such travelling expenses, and (in the case of a worker or a member of his family) allowance for time (if any) as may be allowed by the Judge or Magistrate: Provided that nothing in these Rules contained shall affect the right of counsel to appear or act in any Arbitration, or the right of any barrister and solicitor to recover costs in respect of his employment of counsel to appear or act as aforesaid.

## DUTY OF ARBITRATOR AS TO TAKING NOTES.

Note to be taken of questions of law raised, &c., and copy furnished.

31. At the hearing of any Arbitration the Judge or Magistrate shall make a note of any question of law raised, and of the facts in evidence in relation thereto and of his decision thereon and of his decision in the Arbitration, and he shall at the expense of any party to such Arbitration furnish a copy of the note so taken or allow a copy of the same to be taken by or on behalf of such party, and shall sign such a copy whether a notice of motion by way of appeal has been served or not.

## SEAMEN—SECTION 17.

Seamen (as defined by Act).

32. In the application of the Act and these Rules in the case of seamen who are workers within the meaning of the Act and who are members of the crew of any such ship as in section 17 of the Act mentioned the following provisions shall have effect :—

Claim for compensation in case of death.

(1) In the case of the death of a seaman 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 seaman lost with his ship and the particulars appended or annexed to the request for Arbitration shall state the date at which the ship was lost or is deemed to have been lost. Where seaman lost with ship.

(3) A request for Arbitration 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. Forms of request for Arbitration. Forms 6 and 7.

(4) In any document, notice, or proceeding it shall be sufficient to describe the owners or the charterers of the ship as "the owners (or "charterers") of the ship," "\_\_\_\_\_," and the provisions of the County Court Rules for the time being as to the disclosure of the names of partners shall with the necessary modifications apply to the disclosure of the names of such owners or charterers. Description of owners or charterers in documents and proceedings.

(5) Subject to the provisions of paragraph 3 (a) of section 17 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 or charterers of a ship shall be deemed to be sufficiently served if served on the managing owner or charterer or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship. Service of documents and proceedings.

#### INDUSTRIAL DISEASES.

33. In the application of the Act and these Rules in the case of a worker disabled by or suspended on account of his having contracted any disease mentioned in section 18 of and the Fifth Schedule to the Act, or in any order of the Governor in Council made under section 25 of the Act or disabled by or suspended on account of his having sustained any injury due to the nature of any employment specified in any such order, not being an injury by accident or in the case of a worker whose death has been caused by any such disease or injury as above mentioned the following provisions shall have effect:— Application of Act and rules to cases of industrial diseases.

(1) The notice required by section 11 of the Act shall state the date and cause of the disablement; and where a certificate of disablement has been given, a copy thereof shall on demand be furnished to the employer. Notice of disablement.

(2) A request for Arbitration 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. Form of request for Arbitration. Forms 9 and 10.

(3) (a) If the employer desires to add any other employer as a party to the Arbitration, pursuant to proviso (ii) of Section 20 of the Act he shall file with the Registrar in duplicate a notice according to the form in the Appendix; and thereupon the Registrar shall add such other employer as a Respondent and may if necessary adjourn the hearing of the Arbitration for such time as may be necessary to enable such other employer to be duly served. Adding Respondent under Act. Forms 19 and 20.

Notice of order  
and service on  
added  
Respondent.

Forms 21 and 22.

Application of  
Rules to added  
Respondent.

Procedure at  
Arbitration.

Costs.

Claim to  
contribution  
under Act s. 20  
(iii).  
Form 23.

Memorandum  
to be sent to  
Registrar.  
Act, Third  
Schedule,  
paragraph (6).

Form 25.

(b) Where a Respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added shall be sent by post to the Applicant and the original Respondent; and the like copies, together with a copy of the Applicant's request and particulars and of the notice served on the original Respondent under Rules 15 and 16 and a notice according to the form in the Appendix as to the place at which and the day on which the Arbitration will be proceeded with, shall be issued by the Registrar for service on the added Respondent; and such copies and notices shall be served on the added Respondent in accordance with Rule 16 with the substitution of the original Respondent for the Applicant.

(c) The provisions of these Rules as to Respondents shall apply to the added Respondent from the date of service on him as if he had been originally made a Respondent.

(d) At the hearing of the Arbitration the Judge or Magistrate shall decide all questions as between the Applicant and the original and added Respondents, and may make such award as may be necessary effectively and completely to adjudicate upon and settle all the questions involved in the Arbitration, and may make such order as to costs as between the Applicant and the Respondents and as between the Respondents themselves as may be just.

(4) Where the employer claims under proviso (iii) of section 20 of the Act to be entitled to contribution from any other employer, he may bring in such other employer as a Third Party in accordance with Rules 19 to 23, 25 and 26, and the provisions of those Rules shall with the necessary modifications apply to any such claim to contribution in like manner as they apply to claims to indemnity.

#### MEMORANDUM UNDER SCHEDULE III., PARAGRAPH (6).

34. (1) Where the amount of compensation under the Act has been ascertained or any weekly payment varied or any other matter decided under the Act by agreement, the memorandum which is by paragraph (6) of the Third Schedule to the Act required to be sent to the Registrar of the County Court nearest to the place in which any person entitled to such compensation resides shall be according to such one of the Forms 25 (i to iv) in the Appendix as is applicable to the circumstances of the case, and shall be left at the office of such Registrar or sent by post by registered letter addressed to such Registrar at his office as soon as may be after the matter has been decided.

(2) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph (3) of the Third Schedule to the Act, a copy of the report of the Referee shall be annexed to the memorandum and recorded therewith; and if the Referee attended any proceeding in the Arbitration, it shall be so stated in the memorandum.



(3) In case of an agreement as to any matter referred to in Form 26, paragraph 1 of Rule 42 a separate statement as required by that paragraph shall be left or sent with the memorandum of the agreement.

35. (1) If the matter is decided by a Judge or Magistrate the memorandum shall be authenticated by him and it shall be the duty of the Judge or Magistrate as soon as may be after the decision to draw up such memorandum and to sign the same and to leave or send the same as aforesaid or to deliver the same to some party interested to be by him so left or sent.

Authentication  
of memorandum  
of agreement.

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

(3) 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.

(4) Where the matter is decided by agreement the Registrar may, if the original agreement is in writing, and 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.

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

(6) 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.

36. On receipt of the memorandum the Registrar 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.

Notice to  
parties  
interested of  
memorandum  
having been  
received.  
Form 27.

37. 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 recorded the Registrar shall, subject to proviso (d) to paragraph (6) of the Third Schedule to the Act and to Rule 42 record it without further proof.

Recording of  
memorandum  
if not disputed.

38. 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 36 file with the Registrar a notice according to the form in the Appendix that he disputes the genuineness of

Where  
memorandum  
disputed or  
employer  
objects to its  
being recorded.  
Act, Third  
Schedule,  
paragraph  
(6) (b).  
Form 28.

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.  
Form 29.

39. On the receipt of any such notice as in the last preceding Rule mentioned the Registrar 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 the order of a Judge or Magistrate.

Subsequent  
proceedings.

40. (1) If the consent mentioned in the last preceding Rule is obtained the Registrar shall subject to proviso (d) to paragraph (6) of the Third Schedule to the Act and to Rule 41 record the memorandum without further proof.

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

Amendment of  
memorandum  
by consent.

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

#### PROCEEDINGS FOR RECORD OF MEMORANDUM OR RECTIFICATION OF REGISTER.

Proceedings on  
application for  
record of  
memorandum or  
rectification of  
register.  
Form 30.

41. The following provisions shall apply to an application to a Judge or Magistrate for an order that a memorandum be recorded or an application to a Judge or Magistrate to rectify the register pursuant to paragraph (6) of the Third Schedule to the Act—

(a) The application shall be on notice in writing stating the relief or order which the Applicant claims.

(b) The notice shall be filed with the Registrar 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 an arbitration ;

or on the barrister and solicitor of such party ten clear days at least before the hearing of the application, unless the Judge or 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 in the County Court.

- (d) On the hearing of the application the Judge or 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 (6) of the Third Schedule to the Act.
- (e) The provisions of the Act and these Rules as to the costs of an Arbitration before a Judge or Magistrate shall apply to any such application.

REFERENCE OF AGREEMENT PRESENTED FOR REGISTRATION TO  
A JUDGE OR MAGISTRATE, SCHEDULE III., PARAGRAPH (6);  
PROVISO (d).

42. (1) Where a memorandum of agreement as to the redemption of a weekly payment by a lump sum or as to the amount of compensation payable to a person under any legal disability or to dependants, is presented for registration there shall be left or sent with the memorandum a separate statement according to the Form 26 in the Appendix, or such of the particulars mentioned in that Form as are applicable to the circumstances of the case.

Where memorandum of agreement relates to matter within Third Schedule, paragraph proviso Act.  
Form 26.

In any such case the Registrar 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 proviso (d) to paragraph (6) of the Third Schedule to the Act. 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 Registrar that the memorandum ought not to be recorded for any reason mentioned in the said proviso, he shall make a report to the Judge or 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 Registrar's report it appears to the Judge or Magistrate that the memorandum may properly be recorded he may so direct and it shall be recorded accordingly.

(4) If on consideration of the Registrar's report it appears to the Judge or Magistrate that the memorandum should not be recorded without further inquiry, the Registrar 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 Judge or Magistrate and requiring them to attend on a day to be named in the notice when the matter will be inquired into by the Judge or Magistrate.

Form 31.

(5) The notices shall be sent to the parties or their barristers and solicitors ten clear days at least before the day fixed for the inquiry unless the Judge or 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 in the County Court.

(7) At the inquiry the Judge or Magistrate may make such order or give such directions as he may think fit.

(8) The provisions of the Act and these Rules as to the costs of an Arbitration before the Judge or Magistrate shall apply to any such inquiry and in particular if it appears that a report of the Registrar 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 Registrar, 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 III., PARAGRAPH (6), PROVISIO (e).

Application for removal of agreement from register under provisions of paragraph (6), proviso (e), Third Schedule to Act.

Form 32.

Notice where inquiry directed by Judge or Magistrate.

Form 33.

43. (1) An application to a Judge or 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 (6) of the Third Schedule to the Act shall be made on notice in writing: And the provisions of Rule 41 shall apply to the proceedings on such application.

(2) If it appears to the Judge or Magistrate on a report by the Registrar 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 Registrar 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 Judge or 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.

PAYMENT INTO COURT AND APPLICATION OF LUMP SUM PAYABLE BY AGREEMENT IN LIEU OR FOR REDEMPTION OF WEEKLY PAYMENT PAYABLE TO A PERSON UNDER LEGAL DISABILITY.

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

Act, Second Schedule, para. (5) and (16.)

44. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability and a memorandum thereof has been recorded in accordance with the Act and these Rules such sum shall be paid into the County Court in the place in which the proceedings have been commenced and shall be invested applied or otherwise dealt with by the Judge in such manner as the Judge in his discretion thinks fit for the benefit of the person entitled thereto and the receipt of the Registrar of such court shall be a sufficient discharge in respect of the amount paid in: And the provisions of paragraph (5) of the Second Schedule to the Act and of Rule 50 shall apply to the payment into such court and the investment and application of such lump sum.

CERTIFICATE UNDER SECTION 12, SUB-SECTION (2).

Certificate under Act, sec. 12 (2)  
Form 34.

45. (1) Where an action is brought in the County Court to recover damages independently of the Act for injury caused by any accident and the court proceeds under sub-sections (1) and (2) of section 12 of the Act the certificate given by the court shall be according to the form in the Appendix.

(2) The Registrar on receiving a certificate under the said sub-sections shall record the same in like manner as if such certificate were an award made by a Judge or Magistrate.

SUMMONING MEDICAL REFEREE AS ASSESSOR UNDER  
SCHEDULE III., PARAGRAPH (3).

46. (1) Any party to an Arbitration may eight clear days at least before the day fixed for proceeding with the Arbitration file with the Registrar an application according to the form in the Appendix requesting the Judge or Magistrate to summon a medical referee to sit with him as an assessor under paragraph (3) of the Third Schedule to the Act. Application for assessor. Act, Third Schedule, para. (3). Form 35.

(2) On the receipt of an application for an assessor the Registrar shall forward a copy of the same to the Judge or Magistrate who if he thinks fit shall return the same with his approval and thereupon the Registrar shall forthwith summon an assessor. Assessor to be summoned if Judge or Magistrate approves.

(3) If the Judge or Magistrate does not think fit that an assessor shall be summoned, notice thereof shall be given by the Registrar to the Applicant according to the form in the Appendix. Notice where Judge or Magistrate does not approve. Form 36.

(4) If the Judge or Magistrate thinks fit either on the application of any party to an Arbitration or on his own motion to summon a medical referee to sit with him as an assessor the Registrar shall forthwith summon one of the medical referees appointed by the Governor in Council for the area comprising the place in which the Arbitration is pending by sending to such medical referee by post a summons according to the form in the Appendix. Summoning of assessor if Judge or Magistrate approves or so directs. Form 37.

(5) If at the time and place appointed for the Arbitration the medical referee summoned does not attend the Judge or Magistrate may either proceed with the Arbitration without the assistance of an assessor or he may adjourn the hearing. Where assessor fails to attend.

APPOINTMENT OF MEDICAL REFEREE TO REPORT UNDER  
SCHEDULE III., PARAGRAPH (3).

47. (1) Subject to and in accordance with the regulations made by the Governor in Council under paragraph (3) of the Third Schedule to the Act the Judge or Magistrate may submit to a medical referee for report any matter which seems material to any question arising in an Arbitration. Appointment of medical referees to report under paragraph (3) of Third Schedule of Act.

(2) When any matter is submitted as aforesaid the Judge or Magistrate may subject to and in accordance with such regulations order the injured worker to submit himself for examination by the medical referee; and it shall be the duty of the worker on being served with such order to submit himself for examination accordingly.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER  
SCHEDULE II., PARAGRAPH (14).

48. With respect to applications to the Registrar of a County Court pursuant to paragraph (14) of the Second Schedule to the Act to refer any matter to a medical referee the following provisions shall have effect:— Application for reference to a medical referee under paragraph (14) of Second Schedule of Act.

(1) An application to the Registrar to refer any matter to a medical referee shall be made in writing and shall contain a

Form 38.

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.

Form 39.

(2) On the hearing of the application the Registrar shall refer the matter to one of the medical referees appointed for the area comprising the place in which the Arbitration is pending; and shall forward to such medical referee by registered post one of the filed copies of the application and reports with an order of reference according to the form in the Appendix.

Form 40.

(3) The Registrar 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 made by the Governor in Council.

(4) Before making such order the Registrar 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.

(5) The Registrar shall deliver or send by registered post to each party a copy of the order of reference and shall send to the worker a copy of the order directing him to submit himself for examination with a notice of the consequence or effect of any refusal or obstruction to such submission for examination.

(6) The medical referee shall forward his certificate in the matter to the Registrar by registered post.

Form 41.

(7) On the receipt of the certificate of the medical referee the Registrar 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.

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

(9) The costs of any application to the Registrar including the fee paid under the last preceding paragraph may be allowed as costs in any subsequent proceedings for the settlement of the weekly payment to be made to the worker or where the application is made after the weekly payment has been settled as costs in any subsequent Arbitration as to the review of such weekly payment.

**SUSPENSION OF PROCEEDINGS OR WEEKLY PAYMENTS ON  
REFUSAL TO SUBMIT TO EXAMINATION UNDER SCHEDULE II,  
PARAGRAPH (4), PARAGRAPH (13), OR PARAGRAPH (14).**

49. (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 Second 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 weekly payments until such examination has taken place, in accordance with this Rule.

Application to stay proceedings or suspend weekly payments on refusal of worker to submit to examination under Act, Second Schedule, paragraph (4), paragraph (13), or paragraph (14).

(2) Such application is to be made to the Judge or Magistrate in accordance with Rule 41; and the provisions of the said Rule shall apply to the proceedings on such application with the following modification:—

Form 42.

(a) The notice shall be served on the worker or his barrister and solicitor five clear days before the hearing of the application, unless the Judge or Magistrate gives leave for shorter notice.

**PAYMENT INTO COURT AND INVESTMENT AND APPLICATION OF  
MONEY PAYABLE IN CASE OF DEATH. SCHEDULE II,  
PARAGRAPH (5).**

50. Where any payment in the case of death is to be paid into the County Court pursuant to paragraph (5) of the Second Schedule to the Act, the following provisions shall have effect:—

Payment into court, investment, and application of payment in case of death, Second Schedule, paragraph (5) of Act.

(1) Where any money is to be paid into court under an award made by the Judge or Magistrate, payment shall be made in accordance with the directions contained in the award.

(2) In any other case payment shall be made into the court in which the memorandum of the decision, award, or agreement under which the money is to be paid or the certificate under which the money is to be paid has been or is to be recorded.

(3) Where money is to be paid into court under this Rule, the employer shall lodge with the Registrar a praecipe in duplicate, according to the Form 43 in the Appendix, and shall annex to one copy of the praecipe a form of receipt, and the Registrar, 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.

Form 43.

(4) On the payment of money into court the Registrar shall forthwith send by post to each of the persons appearing by the award, memorandum, or certificate to be interested in such money a notice of the said payment according to the Form 46 in the Appendix. Provided that in the case of infant dependants residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

Form 46.

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

award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by a Judge for the benefit of the person entitled thereto in accordance with paragraph (5) of the Second Schedule to the Act.

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

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

(a) If all the persons interested in the sum paid into court agree to leave the application thereof to a Judge, 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 to a Judge by or on behalf of the persons interested therein, be allotted, invested, applied, or otherwise dealt with by a Judge for the benefit of the persons interested therein, in accordance with paragraph (5) of the Second 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 Arbitration by a Judge in accordance with the Act and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by a Judge for the benefit of the person entitled thereto in accordance with paragraph (5) of the Second Schedule to the Act.

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

(9) (a) Where application is not so made, or in any other case coming within paragraph (5) of the Second Schedule to the Act an application for the investment or application of any sum paid into court, or the amount allotted to any person, shall be made to a Judge 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 Registrar 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 barristers and solicitors, five clear days at least before the hearing of the application, unless a Judge 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 in the County Court.

(d) On the hearing of the application a Judge 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 Second 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 an Arbitration shall apply to any such application.

(10) 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 Judge or Magistrate may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

(11) 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.

(12) Where any sum allotted to any person under paragraph (5) of the Second 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 Registrar, or on the written request of such person, by crossed cheque or post-office order addressed to such person and forwarded by registered post letter, payment by post being in all cases at the cost and risk of the person requesting the same.

51. (1) If there is no dispute as to the liability to pay compensation, but the amount payable has not been ascertained or decided either by Arbitration or by agreement, the employer may pay the amount which he admits to be payable as compensation into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded.

Payment into court where liability admitted but amount not ascertained.

(2) Where money is to be paid into court under this Rule, the employer shall lodge with the Registrar a præcipe in duplicate according to the Form 44 in the Appendix, containing a statement of the particulars mentioned in that form and stating in what manner the sum admitted to be payable as compensation has been arrived at. The Registrar, on receipt of the sum paid in, shall give an official 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.

Form 44.

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

Form (ii). (4) Where it appears to the Registrar that the amount paid in is adequate, he shall forthwith send by post to each of the persons appearing by the præcipe to be interested in such money a notice of the said payment according to the Form 46 (ii) in the Appendix: Provided that in the case of infant Dependents residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

(5) Where it appears to the Registrar that the amount paid in is inadequate, he shall make a report to the Judge or Magistrate in writing, stating the information he has obtained and the grounds on which it appears to him that the amount paid in is inadequate.

(6) If on consideration of the Registrar's report it appears to the Judge or Magistrate that the amount paid in is adequate, he may direct the Registrar to send to the parties interested notice of payment in accordance with paragraph (4) of this Rule.

Form 45. (7) If on consideration of the Registrar's report it appears to the Judge or Magistrate that further inquiry should be made, the Registrar shall send notice to the employer and to the parties appearing by the præcipe to be interested in the money paid into court, according to the Form 45 in the Appendix, informing them that he has referred the matter to the Judge or Magistrate, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the Judge or Magistrate. On such inquiry the Judge or Magistrate may make such order as under the circumstances he may think just; and paragraphs (5), (6), and (8) of Rule 42 shall apply.

(8) Where notice of payment into court is sent in accordance with paragraph (4) or paragraph (6) of this Rule, then—

(a) If any question arises as to the adequacy of the amount paid into court, the question as to the amount payable as compensation, and all questions as to who are Dependents and the amount payable to each Dependant, shall be settled by Arbitration in accordance with the Act and these Rules; and the amount allotted to each Dependant shall be invested, applied, or otherwise dealt with by a Judge for the benefit of the persons entitled thereto in accordance with paragraph (5) of the Second Schedule to the Act, and paragraphs (8), (9), (11), and (12) of the last preceding Rule.

(b) If no question arises as to the adequacy of the amount paid into court, the amount paid into court shall be allotted, invested, applied or otherwise dealt with by a Judge in accordance with paragraphs (7) to (9), (11) and (12) of the last preceding Rule.

(9) An employer paying money into court under this Rule shall not (except under paragraph (8) of Rule 42 or where a question arises as to the adequacy of the amount paid in, and such question is decided adversely to the employer by Arbitration under paragraph (8) of this Rule) be liable to any costs incurred by any person interested in such money after receipt of notice of payment into court; but the Judge or Magistrate may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

52. (1) Where a claim for compensation has been made by or on behalf of Dependents, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the Dependents as are not under disability are willing to accept such amount in settlement, the employer may pay such amount into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded. Payment into court where liability denied.

(2) Where money is to be paid into court under this Rule, the employer shall lodge with the Registrar a præcipe, in duplicate, according to the Form 48 in the Appendix, containing a statement of the particulars mentioned in that form. Form 48. The employer shall annex to one copy of the præcipe a form of receipt according to the said form, and the Registrar 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.

(3) On the payment of money into court under this Rule, the Registrar shall proceed according to paragraph (3) of the last preceding Rule, and the provisions of that Rule shall apply to proceedings subsequent to such payment.

PAYMENT INTO COURT AND APPLICATION OF WEEKLY PAYMENTS PAYABLE TO PERSON UNDER LEGAL DISABILITY. SCHEDULE II., PARAGRAPH (7).

53. (1) An application under paragraph (7) of the Second 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. Application for payment into court of weekly payment to person under legal disability, paragraph (7), Second Schedule, Act.

(2) If the weekly payment is awarded by a Judge the application may be made at or immediately after the hearing of the Arbitration. Form 49.

(3) In any other case the application may be made on notice in writing, which shall be served on the other party or his barrister and solicitor five clear days at least before the hearing of the application, unless the Judge gives leave for shorter notice; and the provisions of Rule 41 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 Registrar to or otherwise applied for the benefit of the person entitled thereto in such manner as the Judge 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 II,  
PARAGRAPH (9).

Application for  
variation of  
order,  
paragraph (9),  
Second  
Schedule,  
Act,  
Form 50.

54. (1) An application for the variation of an order of the court under paragraph (9) of the Second Schedule to the Act may be made by or on behalf of any person interested.

(2) The application shall be made 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 Registrar, and notice thereof shall be served on all persons interested in accordance with Rule 41; and the provisions of that Rule and of Rule 50 shall apply to the proceedings on such application.

INVESTMENT AND APPLICATION OF LUMP SUM PAID IN REDEMPTION  
OF WEEKLY PAYMENT. SCHEDULE II, PARAGRAPH (16).

Investment and  
application of  
sums paid in  
redemption of  
weekly  
payments,  
paragraph (16),  
Second  
Schedule,  
Act.

55. Where pursuant to paragraph (16) of the Second Schedule to the Act a lump sum payable for the redemption of any weekly payment is ordered by a Judge to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into such court as he may direct; and the provisions of paragraph (5) of the Second Schedule to the Act and of Rule 50 shall apply to the investment and application of such lump sum.

PROCEEDINGS WHERE WORKER RECEIVING WEEKLY PAYMENT  
INTENDS TO CEASE TO RESIDE IN VICTORIA. SCHEDULE II,  
PARAGRAPH (17).

When worker  
receiving weekly  
payment  
intends to cease  
to reside in  
Victoria.

56. Where a worker receiving a weekly payment intends to cease to reside in Victoria the following provisions shall have effect under paragraph (17) of the Second Schedule to the Act:—

(1) The worker may apply to the Judge or Magistrate to refer to a medical referee the question whether the incapacity of the worker resulting from the injury is likely to be of a permanent nature.

Form 51.

(2) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the Registrar, and shall be accompanied by a report of a medical practitioner selected by the worker, setting out the nature of the incapacity alleged to be the result of the injury; and a copy of the application and of the report shall be served on the employer or his barrister and solicitor in accordance with Rule 41; and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(3) The employer may on being served with notice of the application, require the worker to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with paragraph (13) of the Second Schedule to the Act; and if the employer requires the worker to submit himself for such examination he shall before or at the hearing of the application furnish the worker with a copy of the report of that practitioner as to the worker's condition, and file a copy of the report for the use of the medical referee.

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

(5) On the hearing of the application the Judge or Form 52. Magistrate on being satisfied that the applicant has a *bona fide* intention of ceasing to reside in Victoria shall make an order referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order but in that case he shall if so requested by the applicant, refer the matter to a Judge or Magistrate, who may make such order or give such directions as he may think fit.

(6) If a Judge or Magistrate makes an order referring Form 40. the question to a medical referee, he shall also make an order directing the worker to submit himself for examination by the medical referee subject to and in accordance with any regulations made by the Governor in Council; and the provisions of paragraphs (2) to (5) of Rule 48 shall with the necessary modifications apply.

(7) The Registrar shall with the order of reference forward to the medical referee copies of any statements submitted to him by either party.

(8) The medical referee shall forward his certificate in the Form 41. matter to the Registrar by registered post, specifying therein the nature of the incapacity of the worker resulting from the injury, and whether such incapacity is likely to be of a permanent nature; and the Registrar shall thereupon proceed in accordance with paragraph (7) of Rule 48.

(9) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the Registrar shall on application furnish the worker—

- (a) with a copy of the certificate of the medical referee, sealed with the seal of the County Court in the place in which proceedings were commenced and certified by the Registrar in his own handwriting to be a true copy; and
- (b) with a copy of the award, memorandum, or certificate under which the weekly payment is payable, sealed with the seal of the said court and certified by the Registrar in his own handwriting to be a true copy; and
- (c) with a certificate of identity according to the form in Form 53. the Appendix; and
- (d) with a notice according to the form in the Appendix Forms 54, 55, 56. 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 (except in cases where the worker is illiterate and unable to sign his name).

(10) A worker who desires to have the weekly payments payable to him remitted to him while residing out of Victoria 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 copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding Form 55.

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.

Form 56.

(11) 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 copy and certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined.

Form 57.

(12) The worker shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the Registrar, 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 (except in cases where the worker is illiterate and unable to sign his name).

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

Form 58.

(14) If the Registrar is satisfied that the certificate, declaration, and request (if any) are 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 Registrar who shall remit the same, less any fees payable to the Registrar and the costs 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 VICTORIA.

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

57. (1) In the event of the death of a worker in receipt of weekly payments while residing out of Victoria his representative shall, for the purpose of obtaining payment of the arrears due to the worker, forward to the Registrar 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 purpose 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 certificates and documents mentioned in this Rule the Registrar shall examine the same and may if not satisfied that the same are in order, return the same for correction.

(4) If the registrar 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 remit the same, less any fees payable to the Registrar and the costs 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.

(5) Upon the employer remitting the amount in accordance with such notice he shall be discharged from any further liability in respect of any such arrears.

#### COSTS.

58: (1) No agreement as to the amount of costs of and incident to an Arbitration and proceedings connected therewith shall be valid or binding unless such agreement be approved by the Judge or Magistrate who hears such Arbitration. In default of any agreement so approved such costs shall be either fixed by the Judge or Magistrate or by the Registrar by direction of the Judge or Magistrate, or taxed according to such one of the scales of costs for the time being applicable to actions in the County Court as the Judge or 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 County Court.

(2) Provided that allowance for the following items whether included in the County Court scale of costs or not :—

- (a) Preparation of minutes of fact or argument where no counsel employed ;
- (b) Attending court conducting cause without counsel ;
- (c) Fee to counsel for settling petition, particulars, statement of defence, interrogations, or other matters required in the course of the matter or proceedings ;
- (d) Drawing application for Arbitration and petition ;
- (e) Fee to counsel with brief on any interlocutory motion or application ;
- (f) Fee to counsel with brief before a Judge or Magistrate or on an inquiry ;
- (g) Fee to counsel for advising on evidence ;
- (h) Plans, charts and models for use of Judge or Magistrate at trial ;

may be by special order of the Judge or Magistrate made upon consideration of the facts of the particular case, and not a general order ; and the application for such allowance shall be made at or immediately after the hearing ; and if not so made shall not afterwards be entertained, unless the Judge or Magistrate for good cause otherwise orders, or unless the Judge or Magistrate is satisfied that the omission to make the application in due time was due to mistake or inadvertence, in which case he may, on such terms as he may think fit, entertain an application at a later date.

(3) The Judge or Magistrate may, in his discretion, order that any of the items (a) (b) or (c) above mentioned shall be allowed to the party in whose favour the order is made, in

addition to or in substitution for, as the case may be, the costs to which he would otherwise be entitled.

Order may be made for payment of allowances to experts and scientific witnesses for qualifying.

59. The Judge or Magistrate may order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending the hearing such just and reasonable charges and expenses (in addition to travelling expenses to attend the hearing) as appear to the Registrar on taxation to have been properly incurred in procuring evidence and the attendance of such witnesses; and in like cases the Judge or Magistrate, subject to the provisions of the next Rule, may order that the just and reasonable charges and expenses of preparing and proving plans drawings models &c. shall be allowed.

Persons preparing plans, drawings, models when called to be paid as ordinary witnesses.

60. Persons who prepare plans drawings models &c. for the purpose of illustration, and who if called at the hearing prove the correctness of such plans drawings models &c. only, shall not be entitled to allowances as expert and scientific witnesses but shall be allowed for their attendance upon the scale applicable to ordinary witnesses; and there may be also allowed for the preparation of such plans drawings models &c. and of all tracings and copies thereof the sum reasonably paid for the same.

How amount for purposes of taxation to be determined, &c.

61. (1) Where the subject matter of an arbitration is not a capital sum, the Judge or 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 of the Arbitration; and in default of such determination the amount shall be fixed by the Registrar by whom the costs are to be taxed subject to review by the Judge or Magistrate.

Reasonable costs may be allowed where provision not expressed.

(2) Where proceedings are taken for which no provision is made by these Rules or by the scale of costs reasonable costs may be allowed in respect of such proceedings by the Registrar, subject to review by the Judge or Magistrate, or by special order of the Judge or Magistrate.

(3) The Judge or 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 Second 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 Judge or Magistrate be allowed as costs in the Arbitration.

(5) Where a worker is ordered to submit himself for examination by a medical referee appointed to report under paragraph (3) of the Third Schedule to the Act, any reasonable expenses incurred by such worker in travelling to attend on such referee for examination may by order of the Judge or Magistrate be allowed as costs in the Arbitration.

Taxation of costs.

62. Where any costs are awarded by a Judge or Magistrate it shall be the duty of the Registrar of the court in which a memorandum of the decision of the Judge or Magistrate is recorded pursuant to paragraph (6) of the Third Schedule to the Act, on application made to him, to tax such costs and to enter



in the register the amount of such costs allowed on taxation; and such entry shall be deemed to be part of such memorandum and shall be enforceable accordingly.

63. Where no provision is made in the scale of costs applicable to actions in the County Court for the allowance for the items mentioned in Rule 58 (2) the Registrar may allow such just and reasonable charges as he may think fit subject to review by a Judge or Magistrate.

#### REVIEW OF TAXATION BY JUDGE OR MAGISTRATE.

64. (1) An application to the Judge or Magistrate to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the Judge or Magistrate gives leave for shorter notice. Review of Taxation.

(2) Such application shall be heard and determined upon the evidence which has been brought in before the Registrar, and no further evidence shall be received on the hearing thereof unless the Judge or Magistrate otherwise directs.

(3) The costs of and incident to the application shall be in the discretion of the Judge or Magistrate.

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

65. Where any party to whom costs are awarded acts by a barrister and solicitor, such barrister and solicitor shall have the same authority to take out of court or receive any sum paid into court or payable in respect of such costs by the party against whom such costs are awarded as he would have if such costs were awarded in an action. As to authority of solicitor to receive costs payable by adverse party.

#### COSTS OF BARRISTER AND SOLICITOR OR AGENT UNDER SCHEDULE III., PARAGRAPH (11).

66. The following provisions shall apply to an application under paragraph (11) of the Third Schedule to the Act for the determination of the amount of costs to be paid to the barrister and solicitor or agent of a person claiming compensation under the Act:— Application to determine costs payable to barrister and solicitor or agent. Act, Third Schedule, par. (11).

(1) Where compensation has been awarded by a Judge or Magistrate the application shall be made immediately after the hearing or at a subsequent date by leave of the Judge or Magistrate. In all other cases the application shall be made to the Judge or Magistrate on notice in writing in accordance with Rule 41. Form 59.

(2) Such notice shall be served on the person for whom the barrister and solicitor or agent acted in accordance with the said Rule and the provisions of the said Rule shall apply to the proceedings on such application.

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

(4) No agreement as to the amount of costs of a barrister and solicitor or of an agent on any such application shall be valid or binding unless such agreement be approved by the Judge or Magistrate who hears such application. In default of any agreement so approved any such costs shall be either fixed by the Judge or Magistrate or taxed by the Registrar by the direction of the Judge or Magistrate, according to such one of the scales of costs applicable to actions in the County Court as the Judge or Magistrate shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County 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 by the Registrar, shall apply accordingly; and any taxation shall be subject to review by the Judge or Magistrate according to Rule 64.

(5) Where the subject-matter of the Arbitration is not a capital sum, the Judge or Magistrate shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject-matter of the Arbitration; and in default of such determination the amount shall be fixed by the Registrar by whom the costs are to be taxed, subject to review by the Judge or Magistrate.

Provision as to  
order declaring  
lien, &c.

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

- (a) The Registrar shall, on application made to him, tax such costs.
- (b) A copy of the order, and, when the amount to which such barrister and solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount shall, at the request and cost of the barrister and solicitor or agent, be issued by the Registrar for service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on such party in accordance with Rule 16.
- (c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount, shall be recorded in the register in which the memorandum or award under which the sum awarded as compensation is payable is recorded, and such last-mentioned memorandum or award shall have effect subject to such order and memorandum.
- (d) The party liable to pay such compensation shall on demand pay to the barrister and solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for

compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.

- (e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such barrister and solicitor or agent, the Judge or Magistrate may on application made to him on notice to such party in accordance with Rule 41 and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum; and in default of payment the Judge or Magistrate may order execution to issue to levy such amount.
- (f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him as against the party entitled to such compensation, to the amount paid or levied.
- (g) Where the sum awarded as compensation has been paid into court the amount to which the barrister and solicitor or agent is entitled shall be paid to him out of such sum.

#### EXECUTION.

68. (1) When a party liable to pay compensation or costs <sup>Execution.</sup> under any award memorandum or certificate has made default <sup>Form 60.</sup> in payment of the amount awarded, or where payment is to be made by instalments of any instalment execution may issue against his goods without leave for the amount in payment of which he has made default.

(2) Where such sum is not payable into court, the party applying for execution shall satisfy the Registrar by affidavit or otherwise, as to the amount in payment of which default has been made.

(3) Where the parties liable to pay compensation or costs under any award memorandum or certificate are a firm, an execution under this rule may issue in manner following:—

- (a) Against any property of the partnership.
- (b) Against any property of any person who has admitted in the proceedings that he was a partner at the time of the accruing of the cause of complaint, or who has been adjudged to be liable as a partner:
- (c) Against any property of any person who was individually served as a partner or a person sought to be made liable and who failed to appear at the Arbitration.

If the party who has obtained the judgment or order claims to be entitled to issue execution against the property of any other person as a member of the firm, he may, after giving to such person two clear days' notice of his intention, apply to the Judge or Magistrate for leave so to do; and the Judge or Magistrate may give such leave if the liability is not disputed, or if such liability is disputed, may try and determine the question. Except as against any property of the partnership, an award against a firm shall not render liable release or otherwise affect

any member thereof who was out of Victoria when the proceedings were commenced, unless he has been made a party to or has been served within Victoria after proceedings commenced.

PROCEEDINGS UNDER IMPRISONMENT OF FRAUDULENT DEBTORS  
ACT 1928.

Proceedings  
under  
Imprisonment  
of Fraudulent  
Debtors Act  
1928.

69. (1) Where proceedings by way of judgment summons under Part II. of the *Imprisonment of Fraudulent Debtors Act* 1928 are taken against a party liable to pay compensation or costs under any award, memorandum or certificate, who has made default in payment of the amount awarded, or (where payment is to be made by instalments) of any instalment, the County Court Rules for the time being in force as to the committal of judgment debtors shall, with any necessary modifications, apply to such proceedings: Provided, that the court shall not alter the terms or mode of payment of any sum to become payable in future under any award, memorandum or certificate otherwise than by consent.

(2) Where the amount in payment of which default has been made is not payable into court, the party applying for a judgment summons shall satisfy the court, by affidavit or otherwise, as to the amount in payment of which default has been made.

Form 61.

(3) A judgment summons issued under this Rule shall be according to the form in the Appendix.

(4) Where the parties liable to pay compensation or costs are a firm, the provisions of the County Court Rules for the time being as to judgment summonses on a judgment or order against a firm shall, with the necessary modifications, apply to proceedings by way of judgment summons under this Rule.

OTHER PROCEEDINGS FOR ENFORCEMENT OF AWARD,  
MEMORANDUM OR CERTIFICATE.

Other  
proceedings for  
enforcement of  
award, &c.

70. The County Court Rules for the time being in force as to proceedings for the enforcement of or the recovery of money due under judgments or orders of the County Court otherwise than by execution or committal shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award, memorandum or certificate.

When award or  
order may be  
set aside or  
varied.

71. (1) Where the Judge or Magistrate is satisfied—

- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation made by a Judge or Magistrate has been obtained by fraud or other improper means: or
- (b) that any person has been included in any award or order as a dependant who is not in fact a dependant: or
- (c) that any person who is in fact a dependant has been omitted from any award or order,

the Judge or Magistrate may set aside or vary the award or order, and may make such order (including an order as to any sum already paid under the award or order) as under the circumstances he may think just.

(2) An application to set aside or vary an award or order under this Rule shall be made on notice in writing, and the

provisions of Rule 41 shall apply to the proceedings on such application.

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

#### APPEALS.

72. Appeals under paragraph (2) of the Third Schedule to the Act shall be had in accordance with the provisions relating to appeals to the Supreme Court from actions in the County Court. Act, Third Schedule, paragraph (2).

(1) When the Court of Appeal has given judgment on any appeal, any party may deposit the order of the court of Appeal, or an office copy thereof, with the Registrar; and the Registrar shall file such order or copy and shall transmit a copy thereof to the Judge or Magistrate; and such order shall have the same effect as if it had been a decision of the Judge or Magistrate. Deposit of order of Court of Appeal with Registrar and procedure thereon.

(2) If such order has the effect of an award, decision, or order in the matter in favour of any party, such order shall be served and recorded and may be proceeded on in the same manner as if it had been an award decision or order of the Judge or Magistrate.

(3) If such order be to the effect that an award be made or a decision given or order made in favour of any party, the Judge or Magistrate shall make such award or give such decision or make such order accordingly.

(4) If such order directs or involves a rehearing or further hearing of an arbitration or special case or other matter the Judge or Magistrate shall as soon as conveniently may be appoint a day and hour for such rehearing or further hearing and shall instruct the Registrar to give notice thereof forthwith to the parties.

(5) Generally the Judge or Magistrate shall make such award or give such decision or make such order and give such directions and take or direct to be taken such proceedings in the matter, as may be necessary to give effect to the order of the Court of Appeal.

#### WHERE PROCEEDINGS MAY BE TAKEN.

73. (A) All matters which under the Act or these Rules is required to be done in the County Court or by to or before a Judge shall be done in the County Court or by to or before a Judge holding such County Court Where proceedings may be taken.

- (i) nearest to the place in which all the parties reside;
- (ii) if the parties concerned reside in different places,
  - (a) nearest to the place in which the accident out of which the matter arose occurred; or
  - (b) in the case of any such worker as in Rule 33 mentioned, nearest to the place in which the worker was last employed in the employment to the nature of which the disease was due; or

(e) if the accident out of which the matter arose occurred at sea,

(1) nearest to the place in which the ship shall be when the matter is to be done; or

(2) nearest to the place comprising the port of registry of the ship; or

(3) nearest to the place in which the worker or the dependants of the worker by whom or on whose behalf the matter is to be done or some or one of them resides or reside.

(B) All matters which under the Act or these Rules is required to be done by to or before a Magistrate shall be done by to or before a Magistrate holding a Court of Petty Sessions

(i) nearest to the place in which all the parties reside;

(ii) if the parties concerned reside in different places,

(a) nearest to the place in which the accident out of which the matter arose occurred; or

(b) in the case of any such worker as in Rule 33 mentioned nearest to the place in which the worker was last employed in the employment to the nature of which the disease was due; or

(c) if the accident out of which the matter arose occurred at sea,

(1) nearest to the place in which the ship shall be when the matter is to be done; or

(2) nearest to the place comprising the port of registry of the ship; or

(3) nearest to the place in which the worker or the dependants of the worker by whom or on whose behalf the matter is to be done or some or one of them resides or reside,

and in all proceedings to be taken before a Registrar the above proceedings shall apply *mutatis mutandis*.

The above provisions shall apply without prejudice to any transfer in manner provided by these Rules.

74. Where any party intends to take the objection that proceedings have been commenced or taken in the wrong place he shall give fourteen clear days' notice of his intention so to do, and the Judge or Magistrate, if he upholds such objection, may transfer the proceedings to the proper place or to such place as under the circumstances of the case he may deem advisable upon such terms as he may think fit.

75. The Judge for the time being holding a court in any district or place may vary or otherwise deal with any matter or order dealt with or made by any other Judge who has held a court in the same district or place so far as the circumstances of the case will permit.

PROCEEDINGS IN ONE COURT AS TO SUBJECT-MATTER OF AWARD,  
MEMORANDUM, OR CERTIFICATE RECORDED IN ANOTHER  
COURT.

76. Where an award, or a memorandum under paragraph 6 of the Third Schedule to the Act, or a certificate under sub-section (1) of section 12 of the Act, has been recorded in any court, and any party desires to take any subsequent proceedings with reference to the subject-matter of such award, memorandum or certificate in any other court he shall before taking such proceedings obtain from the Registrar of the first-mentioned court a certified copy of such award, memorandum or certificate and shall file the same in the court in which he desires to take proceedings, and the Registrar of such last-mentioned court shall record the same as if it had been an award made in the court.

Filing of  
certified copy  
of memoran-  
dum, &c., re-  
corded in one  
court under  
Third Schedule  
of Act para-  
graph (6) before  
taking subse-  
quent proceed-  
ings in another  
court.

TRANSFER OF PROCEEDINGS.

77. If the Judge or Magistrate is satisfied by any party to any matter under the Act before him that such matter can be more conveniently proceeded with before any other Judge or Magistrate as the case may require he may order such matter to be transferred to such other Judge or Magistrate, and thereupon the Registrar shall forthwith transmit by registered post to the Registrar of the County Court at the place 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 shall transfer to such last-mentioned court any money invested in his name as Registrar; and thenceforth such matter shall be proceeded with in the court at the place to which it is transferred in the same manner as if it had originally been commenced therein.

Transfer.

78. Where application is intended to be made for the transfer under the last preceding Rule, three clear days' notice in writing of such intended application shall be given by the applicant to the Registrar and to all parties who may be affected by such application; but the Judge or Magistrate may at any time, by consent of all parties, or without such consent if he thinks fit, order a transfer although this Rule has not been complied with. When a transfer is ordered the Judge or Magistrate may make such order as to the costs incurred before or occasioned by such transfer as he may think fit; and a certified copy of the proceedings shall be transmitted. The costs of such copy and the costs of transmission shall be paid for in the first instance by the party on whose application the transfer has been made, or if the transfer is made by the Judge or Magistrate without any application to transfer being made to him, such costs shall be paid for in the first instance by the applicant; but such payment shall be without prejudice to any question as to the party by whom such costs are ultimately to be borne.

Procedure in  
connection with  
application to  
transfer.

TRANSFER OF MONEY PAID INTO COURT.

79. (1) The provisions of the last two preceding Rules shall apply to the transfer of money paid into court from one court to another pursuant to paragraph (6) of the Second Schedule to the

Transfer of  
Money paid into  
court. Second  
Schedule,  
para. (6) of Act.

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 a bank in the name of the Registrar, such money shall be transferred into the name of the Registrar of the court to which the money is ordered to be transferred in accordance with Rules to be made by the Commissioners of Savings Banks; and where any money ordered to be transferred is not so invested it shall forthwith be so invested, and shall when invested be transferred in accordance with this Rule.

#### FILING AND SERVICE OF DOCUMENTS AND NOTICES.

Filing and  
service of  
documents, and  
notices.

80. (1) Where any document is to be filed with the Registrar under these Rules, that document may be so filed by delivering it at the office of the Registrar, or by sending it by post addressed to the Registrar at his office.

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

(3) Where any document is under these Rules to be sent to any person by the Registrar, that document may be sent by post.

(4) Any proceeding, document, or notice which is under these Rules to be served on any party may be served on such party by the opposite party or his barrister and solicitor; and where no special provision as to the mode of service is made by these Rules, any such proceeding, document or notice may be served on such party or where he acts by a barrister and solicitor on his barrister and solicitor in manner provided by sub-sections (3), (4), and (5) of section 11 of the Act with reference to service of notice in respect of an injury.

#### PROCEDURE GENERALLY.

Provisions as to  
parties acting  
by barristers and  
solicitors and as  
to substituted  
service and  
notice in lieu  
of service.

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

(1) When a party acts by a barrister and solicitor service of any order in the nature of a decree and of any interlocutory order, or any notice relating to any such order when directed to be served, may be made by or upon such barrister and solicitor, as the case may be.

(2) Where by these Rules any act may be done by any party such act may be done either in person or by his barrister and solicitor or by an agent where it can legally be done by an agent.

(3) Where a party acts by a barrister and solicitor any document notice or proceeding required to be served by or upon such party may be served by or upon such barrister and solicitor, except in cases where by these Rules personal service upon a party is required; and service of any such document, notice, or proceeding upon such barrister and solicitor, or delivery of the same at his office or sending the same to him by post, prepaid, shall be deemed to be good service upon the party for whom such barrister and solicitor acts, as upon the



day when the same is so served or delivered, or upon which in the ordinary course of post it would be delivered. Provided that, the provisions of this Rule shall not extend to any judgment summons.

(4) A barrister and solicitor acting for a party in any matter may give notice in writing by post or otherwise to the Registrar and to the other party, or his barrister and solicitor, that he is so acting, whereupon service of any document notice or proceeding whatsoever authorized by these Rules to be served by or upon a barrister and solicitor so acting shall be served by or upon such barrister and solicitor accordingly, and he shall be deemed to be the barrister and solicitor acting for the party on whose behalf he has given such notice, until notice of change of barrister and solicitor has been duly given.

(5) Where a barrister and solicitor undertakes the service of any process, he shall make the necessary copies of each process, and the Registrar shall initial the same and return them to the barrister and solicitor for service.

(6) Any party who acts by a barrister and solicitor may change his barrister and solicitor without any order for that purpose, but when any such change is made he shall give forty-eight hours' notice in writing to the Registrar and to the other parties to the proceedings or the barristers and solicitors (if any) acting for them of such change and of the name or firm and place of business of the new barrister and solicitor, and the Registrar shall file the notice given to him; but until such notice is filed and a copy thereof served, the former barrister and solicitor shall be deemed to be the barrister and solicitor of the party.

(7) Where by reason of the absence of any party, or from any other sufficient cause, the service of any summons (other than a judgment summons) petition notice proceeding or document cannot be made a Judge or Magistrate may, upon an affidavit showing grounds, make such order for substituted or other service, or for the substitution for service of notice by advertisement or otherwise, as may be just.

82. (1) In any proceedings under the Act or these Rules arising out of an injury to a worker employed by or under the Crown, in which if the employer were a private person such employer would be a necessary party, the permanent head of the department by in or under which the worker was employed, or where the department is administered by a Board or by Commissioners, such Board or Commissioners shall be made a party under his or their official title as representing the Crown. Proceedings where Crown a party.

(2) Subject to the provisions of sub-section (4) of section 11 of the Act, in any such case any proceeding document or notice to be served on the head of the department, or on the Board or Commissioners may be served on the permanent head of the department subject to the provisions of these Rules as to service on parties acting by barristers and solicitors. Service of documents.

83. Where any matter or thing is not specially provided for under these Rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a Procedure where not otherwise provided for

similar matter or thing under the County Court Acts and the Rules made in pursuance of those Acts in so far as such procedure and provisions are applicable to proceedings by way of Arbitration

**RECORD OF PROCEEDINGS—SPECIAL REGISTER.**

Record of  
proceedings  
before Judge  
or Magistrates.  
Special register.  
Form 62.

**84.** Proceedings under the Act before a Judge or Magistrate shall be recorded in the books of the County Court in the place in which proceedings have been commenced or to which they have been transferred in the manner in which other proceedings in the County Court are recorded; and the Registrar shall also keep a special register for the purposes of the Act, in which he shall record—

- (1) A memorandum of every application made to the Judge or Magistrate for the settlement of any matter by Arbitration; and whether a Judge or Magistrate is selected.
- (2) A memorandum of every appointment of the Judge or Magistrate to settle any such matter.
- (3) A memorandum of every proceeding taken in any Arbitration before the Judge or Magistrate.
- (4) A memorandum of every appointment of a medical referee by the Judge or Magistrate, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the Arbitration, of such summons or request and attendance.
- (5) A memorandum of every award made by the Judge or Magistrate.
- (6) A memorandum of every judgment given by the Court of Appeal on any appeal.
- (7) A copy of every memorandum sent to the Registrar pursuant to paragraph (6) of the Third Schedule to the Act, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the Judge or Magistrate.
- (8) If such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof.
- (9) If such memorandum is recorded by order of the Judge or Magistrate a memorandum of the application to the Judge or Magistrate and of the order made thereon.
- (10) If in the case of a memorandum of an agreement the Registrar refers the matter to the Judge or Magistrate, a memorandum of such reference and of the directions of the Judge or Magistrate and the subsequent proceedings and order thereon.
- (11) A memorandum of the result of every taxation or review of taxation of costs under any such memorandum, or under any award or order.
- (12) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon.

- (13) 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.
- (14) A memorandum of every application to the Judge or Magistrate under paragraph (11) of the Third Schedule to the Act to determine the amount of costs to be paid to a barrister and solicitor or agent and of the proceedings and order thereon and of the result of any taxation or review of taxation under such order.
- (15) A copy of every certificate under sub-section (1) of section 12 of the Act given under the said section by the court or sent to the Registrar from any other court.
- (16) A memorandum of every proceeding taken for the enforcement of any award, order, memorandum, or certificate and of the result of such proceeding.
- (17) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph (14) of the Second Schedule to the Act, and of the order and subsequent proceedings thereon.
- (18) A memorandum of every application 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.
- (19) A memorandum of every sum paid into court pursuant to paragraph (5) of the Second Schedule to the Act or under any award, memorandum, or certificate.
- (20) A memorandum of every application made 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.
- (21) 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.
- (22) A memorandum of every application for variation of an order as to the apportionment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon.
- (23) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph (17) of the Second Schedule to the Act in the case of a worker intending to cease to reside in Victoria and of the order and the proceedings thereon; and of every certificate and declaration of identity and request (if any) for payment received from such worker, and of the proceedings thereon.

- (24) A memorandum of every application to set aside or vary an award or order under Rule 70 and of the proceedings and order thereon.
- (25) A memorandum of every certified copy given pursuant to Rule 76 or a copy of every certified copy filed pursuant to that Rule.
- (26) A memorandum of every application for transfer, and of the order thereon and the proceedings under such order.
- (27) A memorandum of the transfer of any money paid into court to any other court.
- (28) The like memorandum as to every matter transferred or document or certified copy transmitted or money transferred to a court, as would have been recorded as to such matter, document, or money if it had been originally commenced and prosecuted in or transmitted to or paid into the court.
- (29) A memorandum of any other matter which the Judge or Magistrate shall order to be recorded with reference to any matter brought into or proceeding taken under the Act.

#### REFERENCES TO MEDICAL REFEREES.

References to  
medical  
referees.

85. (1) Where a medical referee is summoned as an assessor or any matter is referred to a medical referee, such referee shall be summoned or the matter shall be referred subject to and in accordance with any regulations made by the Governor in Council; and any such regulations shall so far as they affect the proceedings before any Judge or Magistrate be deemed to be Rules of Court and shall have effect accordingly.

Record and  
returns as to  
references.

(2) The Registrar shall keep a record in the form prescribed of all cases in which medical referees are summoned as assessors or matters are referred to medical referees, and shall forward a copy of the same to the proper officer at such times as may be prescribed by such regulations.

#### MATTERS, HOW DISTINGUISHED.

Matters, how  
distinguished.

86. Every matter brought under the Act shall be intitled in the matter of the Act and shall have a reference to the district or place in which it was instituted and 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.

Forms in  
appendix or  
like forms may  
be used.

87. 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.

## SUPPLY AND FILLING UP OF FORMS.

88. (1) The Registrar of any court may apply to the permanent head of the Law Department for any of the forms required to be used by parties to proceedings under the Act, notwithstanding that such forms are marked in the Appendix as "not to be printed," and if such application is granted may obtain such forms and supply the same without charge for the use of parties to such proceedings. Supply of forms.

(2) Where any party to any proceeding is illiterate and unable to fill up any form required to be used, it shall be the duty of the Registrar or his clerk to fill up such form.

89. Non-compliance with any of these Rules shall not render any proceedings void unless the Judge or Magistrate so directs, but such proceedings may be set aside either wholly or in part as irregular or amended or otherwise dealt with in such manner and upon such terms as the Judge or Magistrate shall think fit. Filling up of forms.

## WORKERS' COMPENSATION SCHEMES.

90. Every application for certificate to a scheme under section 13 of the *Workers' Compensation Act* 1928 shall be in Form 63 in the Appendix, and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer a separate application shall be made by each employer. Form 63.

91. All documents in connexion with such application shall be lodged with the Registrar three days before the hearing of the application.

92. The declaration verifying the result of the ballot taken by the workers to whom the scheme is applicable shall be in Form 64 in the Appendix. Form 64.

93. Every application for certificate to a partial amendment of a scheme shall be in Form 65 in the Appendix, and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer, a separate application shall be made by each employer. Form 65.

94. Every application for renewal of certificate to a scheme shall be in the Form 66 in the Appendix and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer a separate application shall be made by each employer. Form 66.

95. Every complaint by or on behalf of workers shall be as nearly as may be in Form 67. Form 67.

96. Every Registrar of the County Court shall demand, receive and take for the use of His Majesty the several fees allowed by and mentioned herein and no more, and such fees shall be paid in the first instance by the person by whom or on

whose behalf the act or proceeding (in respect whereof the same is payable) is required, before such act shall be done or such proceeding shall be issued or taken (as the case may be) :—

For every certificate to a scheme, or for the renewal of certificate to a scheme, when the number of workers in the employment—

	£	s.	d.
does not exceed 100 ...	1	0	0
exceeds 100, but does not exceed 500 ...	2	0	0
exceeds 500, but does not exceed 1,000 ...	3	0	0
exceeds 1,000 ...	5	0	0

For every certificate to a partial amendment of a scheme ... 1 0 0

(In any of the above cases when a scheme includes the workers of more than one employer the fee will be payable by each employer in accordance with the number of workers in his employment)

For every determination as to distribution of funds on expiration or revocation of certificate to a scheme, when the amount for distribution—

does not exceed £680 ...	5	0	0
exceeds £680 ...	Not exceeding 1 per cent. of the amount for distribution		

For signing and sealing, or signing or sealing any document not chargeable with any other fee ... 0 1 0

For every search in the office of the Registrar relating to one and the same scheme ... 0 1 0

For every copy of any document not exceeding one folio ... 0 1 0

For every folio or fraction beyond the first folio ... 0 1 0

#### SCALE OF FEES IN COUNTY COURTS IN MATTERS OTHER THAN SCHEMES.

(1) No Court fee shall be payable by any party in respect of any proceedings by or against a worker under the *Workers' Compensation Act* 1928 or the Rules thereunder in the County Court prior to the award. (Act 3806, Third Schedule, par. 10.)

(2) On an application for the settlement of any matter by arbitration under the said Act and Rules, when such application is not a proceeding by or against a worker, fees shall be payable in like manner as in an ordinary action.

(3) In proceedings under the said Act and Rules for the enforcement of an award, memorandum or certificate or an order for the payment of costs the same fees shall be taken as on the like proceedings for the enforcement of a judgment for the like amount given in an action.

(4) On interpleader proceedings arising out of an execution for the enforcement of an award, memorandum or certificate or an order for the payment of costs under the said Act and Rules, fees shall be paid in like manner as on an interpleader proceeding arising out of an execution issued in an action.

	<i>s. d.</i>
(5) On every original application in writing to the Court Judge or Police Magistrate ... ..	1 0
(6) On every Award or Order of the Court or Police Magistrate ... ..	5 0
(7) On every Order of a Judge or Police Magistrate sitting in Chambers ... ..	2 6
(8) For every certificate of the Registrar ... ..	5 0
(9) Office copies of any proceedings whatever if made in the office, per folio of 72 words ... ..	1 0
(10) On every taxation of costs not exceeding three folios of 72 words ... ..	3 0
(11) Exceeding three folios, per folio of 72 words additional ... ..	1 0
(12) On issuing every warrant of execution ... ..	5 0
(13) For filing any answer defence or statement required to be filed ... ..	1 0
(14) For filing every affidavit ... ..	1 0
(15) On every payment into Court ... ..	2 6
(16) For every search ... ..	1 0
(17) On any other proceedings not herein specified, for which if such proceeding were taken in an action, a fee would be payable, the fee which would be payable if such proceedings were taken in an action in the County Court.	

#### FEES PAYABLE TO THE BAILIFF.

On any proceeding under the Workers' Compensation Act or the Rules thereunder for which if such proceedings were taken in an action a fee would be payable to the bailiff, the fee which would be payable if such proceeding were taken in an action in the County Court.

## APPENDIX.

## FORM 1.

*Application for Arbitration by Injured Worker with respect to the Compensation payable to him.*

(a) Here fill in name of place in which proceedings are commenced.

In the matter of the *Workers' Compensation Act 1928*.

No. of Matter

In the matter of an Arbitration between

A. B.

of [address]  
[description]

Applicant.

and

C. D. & Co. Limited

of [address]  
[description]

Respondent.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A. B. a worker employed with 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. An arbitration by a Judge of County Courts under the above-mentioned Act is hereby requested between the said A. B. and the said C. D. & Co. Limited for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

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



## PARTICULARS—continued.

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 .....

Of his Barrister and Solicitor.

day of  
(Signed)

**Applicant.**

Applicant's Barrister and Solicitor.]

*Application of Arbitration by or on behalf of Dependents of Deceased Worker with respect to the Compensation payable in respect of the injury to such Dependents, where Death has resulted from an injury to the Worker, and the Settlement of Questions as to who are Dependents, and the Apportionment and Application of such Compensation.*

(a)

In the matter of the *Workers' Compensation Act* 1928.

No. of Matter

(a) Here fill in name of place in which proceedings are commenced.

In the matter of an Arbitration between

E. F.

of [address]  
[description]

and

**Applicant**

C.D. & Co. Limited  
of [address]  
[description]

and

G.H.,

of [address]  
[description]

### Respondents.

[or as the case may be ; see Rule 5].

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, a worker employed by C.D. & Co. Limited [or by a contractor with C.D. and Co. Limited \_\_\_\_\_ for the execution of work undertaken by them] and on the \_\_\_\_\_ day of \_\_\_\_\_ 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

(h) as to the liability of the said C.D. and 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

## FORM 2—continued.

- (c) as to the amount of compensation payable by the said C.D. and 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. An arbitration by a Judge of County Courts 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 : see Rule 5]

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

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and late address of deceased worker ...
2. Name, place of business and nature of business of respondent from whom compensation is claimed ...
3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor to be stated) ...
4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury ...
5. Nature of injury to deceased, and date of death ...
6. Earnings of deceased during the 3 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 3 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 for arbitration ...
9. Character in which applicant applies for arbitration, i.e. whether as legal personal representative of deceased or as a dependant, and if 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 description 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 ...

## FORM 2—continued.

## PARTICULARS—continued.

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 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 ...

The names and addresses of the applicant and his barrister and solicitor are—

Of the Applicant,  
Of his Barrister and Solicitor,

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

C.D. & Co. Limited.  
G.H.

Dated this

day of  
(Signed)

Applicant.

[Or \_\_\_\_\_ Applicant's Barrister and Solicitor.]

## FORM 3.

*Application for Arbitration as to who are Dependants, or as to the Amount payable to each Dependant, where the total amount payable as Compensation to the Dependants of a Deceased Worker has been agreed or ascertained.*

(a)

In the matter of the *Workers' Compensation Act 1928*.

No. of Matter.

In the matter of an Arbitration between

E.F.

of [address]  
[description]

Applicant

and

C.D. & Co. Limited

of [address]  
[description]

J.K.

of [address]  
[description]

and

L.M.

of [address]  
[description]

Respondents.

[or as the case may be; see Rule 6.]

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, 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 \_\_\_\_\_ 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-named 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

(a) Here fill in name of place in which proceedings are commenced.

## FORM 3—continued.

[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. An Arbitration by a Judge of County Courts 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., &c., dependants of the said A.B. [or between E.F., N.O., P.R., &c., 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 6.]

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

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and late address of deceased worker...
2. Name and place of business of employer by whom compensation has been paid or is payable ...
3. Date of accident to deceased and date of death ...
4. Agreed or ascertained amount of compensation to be paid to dependants of deceased
5. Particulars as to whether the compensation money is still payable by the employer or has been paid by him, and if so, to whom, and in whose hands it now is ...
6. Character in which the applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so ...
7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses and descriptions and occupations (if any) and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependent on the earnings of the deceased at the time of his death ...
8. The like particulars as to any dependants who are made respondents ...  
 [NOTE.—If there is a legal personal representative, and he is not an 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 ...

The names and addresses of the applicant and his barrister and solicitor are—

Of the Applicant,  
 Of his Barrister and Solicitor.

## FORM 3—continued.

## PARTICULARS—continued.

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

C.D. and Co. Limited.  
G.H.  
I.K.  
L.M.

[Or as the case may be.]

Dated this                      day of                      (Signed)

Applicant.

[Or,                      Applicant's Barrister and Solicitor.]

## FORM 4.

*Application for Arbitration with respect to the Compensation payable in respect of Expenses of Medical Attendance and Burial, where Deceased Worker leaves no Dependents.*

(a)

In the matter of the *Workers' Compensation Act 1928.*

No. of Matter.

(a) Here fill in name of place in which proceedings are commenced.

In the matter of an Arbitration between

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

Applicant.

and

C.D. & Co. Limited,  
of [address]  
[description]

Respondents.

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

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, 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                      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 on and the burial of the said A.B.                      ; or

(d) as to the apportionment and application of the compensation payable by the said C.D. & 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. An arbitration by a Judge of County Courts under the above-mentioned Police Magistrate Act is hereby requested between E.F. and the said C.D. & Co. Limited and G.H. for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

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 for arbitration ...
7. Character in which applicant applies for arbitration i.e., whether as legal personal representative of deceased or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant ...
8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them and who are therefore made respondents, with their names and addresses ...
9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied ...
10. Particulars and items making up medical and funeral expenses ...
11. 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*] ...
12. If notice not served, reason for omission to serve same ...

The names and addresses of the applicant and his barrister and solicitor are—

Of the Applicant,  
Of his Barrister and Solicitor.

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

C.D. & Co. Limited.  
G.H.

Dated this                      day of                      (Signed)

[Or  
Applicant's Barrister and Solicitor.]

## FORM 5.

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

(a)

In the matter of the *Workers' Compensation Act 1928*.

No. of Matter

(a) Here fill in name of place in which proceedings are commenced.

In the matter of an Arbitration between

G.D. &amp; Co. Limited,

of [address]

[description]

and

Applicants,

A.B.

of [address]

[description]

Respondent.

[or as the case may be; see Act, Sched. 2, pars. 15 and 16.]

An arbitration by a Judge of County Courts under the *Workers' Compensation Act 1928* is hereby requested between G.D. & Co., Limited, and A.B.

[or as the case may be; see Act, Sched. 2, pars. 15 and 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 decision award or certificate fixing weekly 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 ...

The names and addresses of the applicants and their barristers and solicitors are—

Of the Applicant

Of their Barrister and Solicitor

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

Dated this day of

(Signed)

Applicants.

[Or

Applicants' Barrister and Solicitor.]

## FORM 6.

*Application for Arbitration by Seaman with respect to the Compensation payable to him.*

(a)

In the matter of the *Workers' Compensation Act 1928*.

No. of Matter.

(a) Here fill in name of place in which proceedings are commenced.

In the matter of an Arbitration between

A.B.

of [address]

[description]

and

Applicant

The owners [or charterers] of the ship “

”

Respondents.

## FORM 6—continued.

1. On the            day of            personal injury by accident arising out of and in the course of his employment was caused to A. B. employed in the capacity of            on board the Victorian ship            by the owner [or charterer] thereof.

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 [or charterers] 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 [or charterers] 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. An Arbitration by a Judge of County Courts            under the above-mentioned Police Magistrate            and the owners [or charterers] of the said ship "            " for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and address of applicant ...
2. Name of ship on which applicant was employed 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 ...
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 same owners or charterers, 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 names and addresses of the applicant and his barrister and solicitor are—

Of the Applicant,

Of his Barrister and Solicitor,

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

*[State name and address of managing owner or manager, or of master of ship. See Rule 32].*

Dated this           

day of           

(Signed)

Applicant.

[Or            Applicant's Barrister and Solicitor.]



## FORM 7.

*Application for Arbitration by or on behalf of Dependants of Deceased Seaman.*

a) In the matter of the *Workers' Compensation Act 1928*.  
 No. of Matter (a) Here fill in name of place in which proceedings are commenced.

In the matter of an Arbitration between

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

The owners [or charterers] of the Ship " and

G. B. of [address] [description] Respondent.  
 [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 employed in the capacity of on board the Victorian ship by the owner [or charterer] and on this day of the death of the said A. B. resulted from the injury [or the ship which left the port of 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 employed in the capacity of

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 [or charterers] 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 [or charterers] 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.
- (e) as to the apportionment and application of the compensation payable by the owners [or charterers] 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. An arbitration by a Judge of County Courts 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; see Rule 5].

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

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and late address of seaman ...
2. Name of ship on which deceased was employed 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] ...

## FORM 7—continued.

## PARTICULARS—continued.

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 3 years next preceding the injury or date of loss if he had been so long employed under the same owners [or charterers], or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of actual employment under the said owners [or charterers] ...
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 for arbitration
9. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased, or as a dependant and if as a dependant, particulars showing how he is so ...
10. Particulars as to the 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 applicant and his barrister and solicitor are—

Of the Applicant,

Of his Barrister and Solicitor,

The name and address of the respondents to be served with this application are—

As representing the owners [or charterers] of the ship “ ”

See Rule 32.

[State name and address of managing owner or manager, or of master of ship.]

and G.B.

Dated this                      day of  
(Signed)

Applicant.

[Or                      Applicant's Barrister and Solicitor.]

## FORM 8.

Application for Arbitration by Worker disabled by or suspended on account of having contracted Industrial Disease coming within section 18.

(a) Here fill in  
name of place  
in which pro-  
ceedings are  
commenced.

In the matter of the Workers' Compensation Act 1923.

No. of Matter

## FORM 8—continued.

In the matter of an Arbitration between

A.B.,

of [address]  
[description]

and

Applicant

C.D. &amp; Co. Limited,

of [address]  
[description]

Respondent,

1. On the day of Mr. , a certifying medical practitioner under the *Factories and Shops Act 1928* [or *Workers' Compensation Act 1928*] [or Mr. , one of the medical referees appointed by the Governor in Council for the purposes of the *Workers' Compensation Act 1928*] certified that A.B. of was suffering from a disease coming within section 18 of the *Workers' Compensation Act 1928* and was thereby disabled from earning full wages at the work at which he was employed.

2. The said A.B. alleges that the above-mentioned disease is due to the nature of his employment in [describe employment] and that he was last employed in such employment within the twelve months previous to the date of disablement by C.D. & Co. Limited, of

3. A question has [or questions have] arisen

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

(a) as to whether the said A.B. is a worker to whom the *Workers' Compensation Act 1928* applies; or

(b) as to the liability of the said C.D. & Co. Limited to pay compensation under the *Workers' Compensation Act 1928* in respect of the said disease; or

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

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

(e) as to the amount [or duration] of the compensation payable by the said C.D. & Co. Limited to the said A.B. under the *Workers' Compensation Act 1928* in respect of the said disease;

[or as the case may be.]

4. An arbitration by a Judge of County Courts under the above-mentioned Act is hereby requested between the said A.B. and the said C.D. & Co. Limited for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and address of applicant ...
2. Name, place of business, and nature of business of respondents ...
3. Nature of employment of applicant under respondents to which the disease was due ...
4. Nature of disease ...
5. Date of disablement ...
6. Names and addresses of all other employers by whom applicant was employed in the same employment during the 12 months previous to date of disablement ...
7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity ...
8. Average weekly earnings during the 12 months previous to date of disablement if the applicant has been so long employed under respondents, or, if not, during any less period during which he has been so employed ...
9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business ...
10. Payment, allowance or benefit received from employer during period of incapacity ...
11. Amount claimed as compensation ...

## FORM 8—continued.

## PARTICULARS—continued.

12. Date of service of statutory notice of disablement or suspension on respondents. [A copy of the notice to be annexed] ...  
 13. If notice not served, reason for omission to serve same ...

The names and addresses, &c. [as in Form 1].

## FORM 9.

*Application for Arbitration by or on behalf of Dependants of Deceased Worker whose death has been caused by Industrial Disease.*

In the matter of the *Workers' Compensation Act 1928*.

(a) Here fill in name of place in which proceedings are commenced.

(a)

In the matter of an arbitration between

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; see Rule ]

1. On the day of Mr. , the certifying medical practitioner under the *Factories and Shops Act 1928* [or *Workers' Compensation Act 1928*] [or Mr. , one of the medical referees appointed by the Governor-in-Council for the purposes of the *Workers' Compensation Act 1928*] certified that A. B., of , was suffering from a disease coming within section 18 of the *Workers' Compensation Act 1928*, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of the said A. B. died, his death being caused by the said disease.

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

3. A question has [or Questions have] arisen

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

- (a) as to whether the said A. B. was a worker to whom the *Workers' Compensation Act 1928* applied; or  
 (b) as to the liability of the said C. D. & Co. Limited to pay compensation under the *Workers' Compensation Act 1928* to the dependants of the said A. B. in respect of the injury caused to them by the death of the said A. B.; or  
 (c) as to whether the said disease was in fact contracted whilst the said A. B. was in the employment of the said C. D. & Co. Limited; or  
 (d) as to whether the said disease was due to the nature of the employment of the said A. B. under the said C. D. & Co. Limited; or  
 (e) as to whether the death of the said A. B. was in fact caused by the said disease; or

## FORM 9—continued.

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

4. An arbitration by a Judge of County Courts or Police Magistrate 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 : see Rule 33].

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

5. Particulars are hereto appended [or annexed].

## PARTICULARS

1. Name and late address of deceased worker
2. Name, place of business, and nature of business of respondents from whom compensation is claimed ...
3. Nature of employment of deceased under respondents to which the disease was due
4. Nature of disease ...
5. Date of disablement and date of death ...
6. Earnings of deceased during the three years next preceding disablement, if he had been so long in the employment of the respondents 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 respondents ...
7. Names and addresses of all other employers by whom deceased was employed in the same employment during the 12 months previous to the date of disablement ...
8. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof ...
9. Name and address of applicant for arbitration
10. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased, or as a dependant, and if as a dependant, particulars showing how he is so ...
11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses and descriptions and occupations (if any) and their relationship to the deceased, and if infants their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death ...
12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any) ...

## FORM 9—continued.

## PARTICULARS—continued.

13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied ...
14. Date of service of statutory notice of disablement. [*A copy of the notice to be annexed*]
15. If notice not served, reason for omission to serve same ...

The names and addresses, &c. [as in Form 2].

## FORM 10.

*Application for Arbitration where Rights of Employer against Insurers are Transferred to Worker under Section 15.*

(a) Here fill in name of place in which proceedings are commenced.

- (a) In the matter of the *Workers' Compensation Act 1928*. No. of Matter.
- In the matter of an Arbitration between

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

[Name and address of insurers] 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. , a worker employed by , of [name and address of employer] [or by of , a contractor with [name and address of employer], for 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 1928* to the said A.B. in respect of such injury.

[Or, where weekly payment has been settled.]

1. Under an agreement [or a decision, or an award, or a certificate] recorded in the County Court at on the day of , a weekly payment of is payable by [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 insolvent [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 15 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

TAKE NOTICE, that His Honour Judge of County Courts,  
Mr. a Police Magistrate,  
will proceed with the Arbitration applied for in the request and particulars a  
sealed copy of which is served herewith at on  
the day of at the hour of  
o'clock in the noon or so soon thereafter as the parties can be heard,

## FORM 12—continued.

and that if you do not attend either in person or by your barrister and solicitor at the time and place above mentioned such order will be made and proceedings taken as the Judge may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject-matter of the Arbitration, or consider that the Applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the Judge 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 barrister and solicitor (if any), and stating that you disclaim any interest in the subject-matter of the Arbitration, or stating in what respect the Applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the Judge 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 Judge and a copy for the Applicant and for each of the other Respondents, must be filed with me ten clear days at least before the day of

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  
To  
Of

Registrar of the County  
Court at

## FORM 13.

## R. 15.

## Affidavit of Service of copy of request for Arbitration and Particulars Notices.

(a) Here fill in name of place in which proceedings are commenced.

(a) In the matter of the *Workers' Compensation Act 1928*. No. of Matter  
In the matter of an Arbitration between  
F.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].

I, A.B., of [or as the case may be],  
[or G.H., a clerk [or servant] in the permanent and exclusive employ of ]:  
[or L.M., of ] the barrister and solicitor for ]:  
[or R.S., of ] barrister and solicitor, agent for L.M., of  
barrister and solicitor for ] [or X.Y., a clerk in the employ of [R.S.,  
of ] barrister and solicitor, agent for] L.M., of ] barrister  
and solicitor for ] the above-named plaintiff, make oath and say:—

1. That I, [ ] am a clerk [or servant] in the permanent and exclusive employ of [ ] [or am a clerk in the employ of [R.S. of ] barrister and solicitor, agent for] L.M., of ] barrister and solicitor for] the above-named plaintiff, and that I am over sixteen years of age.

2. That I did on the day of 19, duly serve C.D. & Co. Limited, the above-named respondent [or one of the above-named respondents] with the copy of request for Arbitration herein and particulars thereof [or as the case may be], a true copy of which is hereunto annexed marked "A," by leaving the same at [ ] the registered office of the company [or



## FORM 13—continued

by delivering the same personally to the said defendant [*insert time, place, and mode of service*] or as the case may be].

Sworn at \_\_\_\_\_, in the \_\_\_\_\_ bailiwick, on the \_\_\_\_\_ day of 19\_\_\_\_, before me,

A Commissioner for taking declarations and affidavits.  
[or as the case may be].

[*Indorse the copy request or other matter:—This paper marked "A" is the paper referred to in the annexed affidavit.*]

## FORM 14.

## ANSWER BY RESPONDENTS.

## R. 17.

[*Not to be Printed, but to be used as a Precedent.*]

[*Heading as in Request for Arbitration.*]

## TAKE NOTICE—

That the respondent G.H. \_\_\_\_\_ disclaims any interest in the subject-matter of the above arbitration.

Or

That the respondents C.D. & Co., Limited, \_\_\_\_\_ state that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

Or

That the respondents C.D. & Co., Limited, \_\_\_\_\_ desire to bring to the notice of the Judge [or Magistrate] the facts stated in the particulars hereto annexed.

Or

That the respondents C.D. & Co., Limited, intend at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or

That the respondents C.D. and Co., Limited, \_\_\_\_\_ deny their liability to pay compensation under the Act in respect of the injury to A.B., mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

## PARTICULARS.

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

2. *Facts which the Respondents desire to bring to the notice of the Arbitrator—*

That the applicant A.B. \_\_\_\_\_ refuses to submit himself to medical examination as required by [or obstructs the medical examination required by] the respondents C.D. & Co., Limited, \_\_\_\_\_ in accordance with paragraph 4 of the first schedule to the Act [or refuses to submit himself for examination by a medical referee as ordered] [or obstructs the examination by a medical referee ordered in accordance with paragraph 14 of the first schedule of the Act]

[or as the case may be].

3. *Facts which the respondents, C.D. & Co., Limited, intend to give in evidence and rely on at the hearing of the Arbitration—*

That notice of the alleged accident [or of death or disablement] was not given to the respondents as required by the Act; or

That the claim for compensation was not made on the respondents within the time limited by the Act; or

That a scheme of compensation [benefit or insurance] for the workers of the respondents, C.D. & Co., Limited, has been duly certified by the Judge of County Courts appointed under Section 13 of the Act in that behalf, and such certificate was in force at the date of the alleged accident, and the said C.D. & Co., Limited, \_\_\_\_\_ contracted with the applicant

A.B. \_\_\_\_\_ [or with the deceased worker] by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Act, and the said

## FORM 14—continued.

## PARTICULARS—continued.

C. D. & Co., Limited, are consequently liable only in accordance with the said scheme

[or as the case may be].

4. Grounds on which the Respondents deny their Liability to pay Compensation—

- (i) That the applicant A. B. is [or the deceased worker was] not a worker to whom the Act applies: or
- (ii) That the injury to the applicant [or to the deceased worker] was not caused by accident arising out of and in the course of his employment: or
- (iii) That the injury to the applicant [or to the deceased worker] was attributable to the serious and wilful misconduct of the applicant [or of the deceased worker] and did not result in death or serious and permanent disablement: 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 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: or

*In case of industrial disease,*

- (vi) That the applicant [or the deceased worker] at the time of entering the employment of the respondents wilfully and falsely represented himself in writing as not having previously suffered from the disease mentioned in the applicant's particulars: or
- (vii) That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased worker] was in the employment of the respondents: or
- (viii) That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased worker] was employed by the respondents:

[or as the case may be].

And further take notice, that the names and addresses of the said respondents and their barristers and solicitors are—

Of the Respondents,  
C. D. & Co., Limited,  
Of their Barristers and Solicitors,

Dated this day of  
(Signed)

Barristers and Solicitors for the Respondent.

C. D. & Co., Limited,

and

To the Registrar of the County Court at

To the Applicant, A. B., and

To the Respondents

if any [naming them]

## FORM 15.

Notice by Respondent admitting Liability, and submitting to an Award 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 for Arbitration.]

## TAKE NOTICE—

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

## FORM 15—continued.

And they hereby submit to an award for payment by them to the applicant A.B. 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 A.B. 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 award 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 award, 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 the County Court at the sum of £ in satisfaction of such liability.]

Dated this day of

(Signed)

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

To the Registrar of the County Court at and

To the Applicant A.B., and

To the Respondents

if any [naming them].

## FORM 16.

*Notice of Filing of Submission to an Award.*  
[Heading as in Request for Arbitration.]

## 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 award 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 Registrar of the County Court at and to the said C. D. & Co. Limited, a written notice forthwith by post, or leave such notice at the office of the Registrar of such Court, and at the residence or place of business of the said C. D. & Co. Limited.

If you send such notice the Judge or Police Magistrate will, on application made to him, make an award directing payment of such weekly sum to you and you will be liable to no further costs.

In default of such notice, the Arbitration 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

Registrar of the County Court at

To the Applicant, A.B.

## FORM 17.

*Notice of Payment into Court.*

[Heading as in Request for Arbitration].

## TAKE NOTICE—

That the respondents, C.D. & Co. Limited have this day filed with me a notice that they admit their liability to pay compensa-

## FORM 17—continued.

tion in the above-mentioned matter, and they have paid into the County Court at \_\_\_\_\_ 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 registrar of the said 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 said registrar, 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 Judge the Police Magistrate will on application made to him, make an award for such apportionment and application, and you will be liable to no further costs.

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

In default of such notice being sent by you and all the other respondents [or by the applicant and yourself and all the other respondents] the arbitration will be proceeded with; and if no greater amount than the said sum of £ \_\_\_\_\_ is awarded as compensation, the parties who do not

send such notice will be liable to be ordered to pay the costs incurred by the 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 said compensation payable in the above-mentioned matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of the County Court at \_\_\_\_\_

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

## FORM 18.

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 for Arbitration.]

## 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 Judge the Police Magistrate to include in his award 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], and his costs properly incurred in relation to the notice of the offer of the said weekly sum [or the notice of payment of the said sum of £ \_\_\_\_\_ into court] and to this notice and in attending the arbitrator to obtain an award.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

## FORM 18—continued.

(Signed)

[Or]

Applicant.

Respondent.]

To the Registrar of the County Court at \_\_\_\_\_ and,  
 To the Respondents, C. D. & Co. Limited, and  
 To the Applicant, A. B., and  
 To the Respondents  
 [naming them].

## FORM 19.

Application for Addition of Employer as Respondent under Section 20—Proviso (ii).

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

## TAKE NOTICE—

That the respondents, C. D. and Co. Limited, \_\_\_\_\_ allege that the  
 disease mentioned in applicant's particulars filed in this matter was in fact  
 contracted while the applicant [or the deceased worker] was in the em-  
 ployment of \_\_\_\_\_ of \_\_\_\_\_, and not whilst in the employ-  
 ment of the said C. D. and Co. Limited.

And the said C. D. & Co. Limited \_\_\_\_\_ hereby apply for an  
 order that the said \_\_\_\_\_ be joined as respondents in the above  
 arbitration, and if necessary for an adjournment of the hearing of the  
 arbitration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) C. D. & Co. Limited,  
By \_\_\_\_\_ Secretary.

[Or]

Solicitors for the Respondents, C. D. &amp; Co. Limited.]

To the Registrar of the County Court at \_\_\_\_\_

## FORM 20.

## Order adding Respondents.

[Heading as in Request for Arbitration.]

It is this day ordered, on the application of the respondents, C. D. & Co.  
 Limited \_\_\_\_\_ that \_\_\_\_\_ of \_\_\_\_\_ be added as respondents to  
 this arbitration [and that the hearing of this arbitration be adjourned to the  
 day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon or so  
 soon thereafter as the parties can be heard.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Judge of County Court.  
Police Magistrate.

## FORM 21.

Notice to Applicant and Original Respondents of Addition of Respondents.

[Heading as in Request for Arbitration.]

## TAKE NOTICE—

That by order dated the \_\_\_\_\_ day of \_\_\_\_\_, 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 arbitration [and  
 that the hearing of this arbitration be adjourned to the \_\_\_\_\_ day  
 of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon  
 or so soon thereafter as the parties can be heard].

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of the County  
Court at \_\_\_\_\_

To the Applicant

and

The Respondents

C. D. &amp; Co. Limited,

## FORM 22.

*Notice to Parties who are added as Respondents.**[Heading as in Request for Arbitration].*

To Messrs. \_\_\_\_\_ of \_\_\_\_\_ *[address and description].*  
**TAKE NOTICE—**

That by an order of His Honour \_\_\_\_\_ a Judge of County Courts the  
 Mr. \_\_\_\_\_ a Police-Magistrate  
 arbitrator herein, dated the \_\_\_\_\_ day of \_\_\_\_\_, a copy of which  
 order is hereunto annexed, together with a copy of the request and  
 particulars filed with the applicant in this matter, and a copy of the  
 application on which the said order was made, you were ordered to be  
 added as a respondent in the above arbitration.

And further take notice, that the hearing of the above arbitration has  
 been appointed for the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 o'clock in the \_\_\_\_\_ noon, or so soon thereafter as the parties  
 can be heard, and that if you do not attend, either in person or by your  
 barrister and solicitor, at the courthouse at \_\_\_\_\_ upon the day  
 and at the hour above-mentioned, such order will be made and proceedings  
 taken as the Judge \_\_\_\_\_ may think just and expedient.

And further take notice, that if you wish to disclaim any interest in  
 the subject-matter of the arbitration, or consider that the applicant's par-  
 ticulars are in any respect inaccurate or incomplete, or desire to bring any  
 fact or document to the notice of the Judge \_\_\_\_\_ 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 barrister and solicitor (if any)  
 and stating that you disclaim any interest in the subject-matter of the  
 arbitration, or stating in what respect the applicant's particulars are  
 inaccurate or incomplete, or stating concisely any fact or document which  
 you desire to bring to the notice of the Judge \_\_\_\_\_ 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 Judge \_\_\_\_\_ and  
 a copy for the applicant and for each of the other respondents, must be filed  
 with me ten clear days at least before the \_\_\_\_\_ day of \_\_\_\_\_  
 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 \_\_\_\_\_  
 To \_\_\_\_\_  
 Of \_\_\_\_\_

Registrar of the County  
 Court at \_\_\_\_\_

## FORM 23.

*Notice by Respondent to Third Parties.**[Not to be Printed, but to be used as a Precedent.]**[Heading as in Request for Arbitration.]*

To Mr. \_\_\_\_\_ of \_\_\_\_\_ *[Address and description].*

**TAKE NOTICE—**

That A.B. \_\_\_\_\_, of &c. \_\_\_\_\_, has filed a request  
 for arbitration (a copy whereof is hereto annexed) as to the amount of  
 compensation payable by the respondents, C.D. and 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  
 said A.B. \_\_\_\_\_, which resulted from injury caused to the said*

## FORM 23—continued.

A.B.,  
by accident arising out of and in the course of his employment.]

[Or, as the case may be. See Forms of Request for Arbitration.]

The respondents, C.D. and 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.]

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) By C.D. & Co. Limited,  
Secretary.  
[Or,  
Barristers and Solicitors for the Respondents—  
C.D. & Co. Limited.]

To  
Of

## FORM 24.

## Award.

Note.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under Rule 29 in accordance with the directions given by the Judge or Police Magistrate.

(i) In case of Application by Worker.

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted to me, I do hereby make my award as follows:—

[Here insert any introductory recitals of findings on which the award is made which the Judge or Police Magistrate may direct.]

1. I order that the respondents, C.D. & Co. Limited do pay to the applicant A.B. the weekly sum of \_\_\_\_\_ as compensation for personal injury caused to the said A.B. on the \_\_\_\_\_ day of \_\_\_\_\_ 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 A.B. for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

## FORM 24—continued.

2. And I order that the said C. D. & Co. Limited do forth-  
with pay to the said A.B. the sum of £ being the amount  
of such weekly payments calculated from the day of until the  
day of (1) and do thereafter pay the said sum of to  
the said A.B. on Saturday (2) in every week.

3. And I order that the said C.D. & Co. do pay to the Registrar of  
the County Court at for the use of the applicant, his costs of and  
incident to this Arbitration, such costs, in default of agreement between the  
parties as to the amount thereof, to be taxed by the said Registrar under  
scale of costs and to be paid by the said C.D. & Co.  
to the said Registrar within fourteen days from the date of  
the certificate of the result of such taxation.

(1) First Satur-  
day or other  
usual pay day  
after date of  
award.

(2) Or other  
usual pay day.

Dated this day of

Judge of County Court.  
Police Magistrate.

## (ii) In case of Application by Dependents.

## [Heading as in Request for Arbitration.]

Having duly considered the matter submitted to me, I do hereby make my  
award as follows:—

[Here insert any introductory recitals of findings on which the award is made  
which the Judge or Police Magistrate may direct.]

1. I order that the respondents C.D. & Co. Limited do pay the  
sum of £ to the dependants of A.B. late of  
deceased, as compensation for the injury resulting to such dependants from the  
death of the said A.B., which took place on the day of  
from injury caused to the said A.B. on the day  
of by accident arising out of and in the course of his employment  
as a worker employed by the said respondents.

2. And I declare that the persons hereinafter named are entitled to share in  
such compensation as dependants of the said A.B. that is to say,  
J.B., the widow of the said A.B. and (1)

(1) Name the  
other persons.

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

4. And I order that the said sum of £ be apportioned between  
the said J.B. and (1)  
in the proportions following that is to say:—

(2) Specify the  
persons entitled  
and the sums  
apportioned to  
them.

I apportion the sum of £ to or for the benefit of the said J.B. and  
the sum of £ to or for the benefit of the said (2)

5. And I order that the said C.D. & Co. Limited do pay the  
said sum of £ to the registrar of the County Court at  
within 14 days from the date of this award.

6. And I order that on payment to the registrar of the said sum of  
£, the registrar do forthwith pay to the said J.B. the sum  
of £ hereby apportioned to her (or the sum of  
£ out of the sum of £ hereby apportioned to her), and  
that the balance of the last-mentioned sum (less the fee for the investment  
thereof) be invested by the registrar in his name in a Savings Bank for the  
benefit of the said J.B. and that out of the sum so invested and the  
accruing interest thereof the registrar do from time to time until further order  
pay to the said J.B. the weekly (or fortnightly) sum of £  
the first payment to be made on the day of

7. And I order that on payment to the registrar of the said sum of £  
the sums of £ and £ hereby apportioned to or for the  
benefit of the said respectively (less the fees for the investment  
thereof) be invested by the registrar in his name in a Savings Bank for the  
benefit of the said and respectively, and that interest  
arising from such investments be from time to time until further order paid to  
the said J.B. to be by her applied for the maintenance, education,  
or benefit of the said and respectively.

8. And I order that the said J.B. and the said or  
any of them be at liberty to apply 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.



## FORM 24—continued.

9. And I order that the said C.D. & Co. Limited do pay to the registrar of the County Court at \_\_\_\_\_ for the use of the applicants, their costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed, by the registrar under \_\_\_\_\_ scale of costs used in the County Courts and to be paid by the said C.D. and Co. Limited to the registrar within 14 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 \_\_\_\_\_  
Judge of County Court.  
Police Magistrate.

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

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted to me, I do hereby make my award as follows:—

[Leave space for any introductory recitals of findings on which the award is made which the Judge or Police Magistrate may direct.]

1. I order that the respondents C.D. & Co. Limited do pay the sum of £ \_\_\_\_\_ for or towards the expenses of medical attendance on and the burial of A.B. late of \_\_\_\_\_ deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_ from injury caused on the \_\_\_\_\_ day of \_\_\_\_\_ by accident arising out of and in the course of the employment of the said A.B. as a worker employed by the said C.D. & Co. Limited.

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

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

3. And I order that the respondents C.D. and Co., Limited do pay the said sum of £ \_\_\_\_\_ to the registrar of the County Court at \_\_\_\_\_ within 14 days from the date of this award, and that the said sum of £ \_\_\_\_\_ be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. And I order that the said C.D. and Co. Limited do pay to the registrar of the County Court at \_\_\_\_\_ for the use of the applicant E.F. and the respondent G.H. their respective costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof to be taxed by the registrar under \_\_\_\_\_ scale of costs in use in the County Courts and to be paid by the said C.D. & Co. Limited to the registrar within 14 days from the date of the certificate of the result of such taxations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Judge.  
Police Magistrate.

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

## FORM 25.

Form of Memorandum under Paragraph 6 of Schedule III.

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

To the Registrar of the County Court at \_\_\_\_\_

In the matter of the *Workers' Compensation Act 1923*,  
and

In the matter of an arbitration between

of [name]  
[address]  
[description]

Applicant,

## FORM 25—continued.

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

of [name]  
 [address]  
 [description] and

of [name]  
 [address]  
 [description]

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

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

[Here set out copy of agreement or award].

[If a medical referee has been appointed to report, add :—]

A copy of the report of Mr.           , a medical referee appointed to report in the above-mentioned matter, is herewith annexed.

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

You are hereby requested to record this memorandum, pursuant to Paragraph 6 of the Third Schedule to the above-mentioned Act.

Dated this            day of            19   

[To be signed in accordance with Rule 35, pars. 1 and 2.]

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

(ii) In case of injury to Worker by Industrial Disease.

To the Registrar of the County Court at

In the matter of the *Workers' Compensation Act 1928* and

In the matter of an Arbitration between

of [name]  
 [address]  
 [description]

and

Applicant

of [name]  
 [address]  
 [description]

Respondents.

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

In the matter of an Agreement between

of [name]  
 [address]  
 [description]

and

of [name]  
 [address]  
 [description]

Be it remembered, that on the            day of            Mr.            the certifying medical practitioner appointed under the *Factories and Shops Act 1928* [or the *Workers' Compensation Act 1928*] [or Mr.           , one of the medical referees appointed by the Governor in Council for the purpose of the *Workers' Compensation Act 1928*] certified that A.B.           , of           , a worker under no

## FORM 25—continued.

legal disability [or an infant of the age of        years] was suffering from  
a disease coming within Section 18 of the *Workers' Compensation  
Act 1928*, and was thereby disabled from earning full wages at the work at which  
he was employed.

[or That on the        day of       , A.B.       , of        a  
worker under no legal disability [or an infant of the age of        years] was  
incapacitated having contracted a disease coming within Section 18 of the  
*Workers' Compensation Act 1928* and the said A.B.        alleged that the  
above-mentioned disease was due to the nature of his employment in  
[describe employment] and that he was last employed in such employment within  
the twelve months previous to the date of disablement by C.D. & Co. Limited,  
of       . And that on the        day of        19       , the  
following agreement was come to by and between the said        and the  
said       , that is to say:

[or And that on the        day of        19       , the following award was  
made and given by me, the undersigned        being a County Court Judge,  
that is to say:]

[Here set out copy of agreement, or award.]

[If a medical referee has been appointed to report, add:—]

A copy of the report of Mr.       , a medical referee appointed to report  
in the above-mentioned matter, is hereunto annexed.

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

You are hereby requested to record this memorandum, pursuant to Para-  
graph 6 of the Third Schedule to the above-mentioned Act.

Dated this        day of        19       .

[To be signed in accordance with Rule 35, pars. 1 and 2.]

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

## (iii) Where death resulted from the injury.

To the Registrar of the County Court at

In the matter of the *Workers' Compensation Act 1928*  
and

In the matter of an arbitration between

of [name]  
[address]  
[description]  
and

Applicant,

of [name]  
[address]  
[description]

Respondents.

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

In the matter of an agreement between

of [name]  
[address]  
[description]  
and

of [name]  
[address]  
[description]

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

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

## FORM 25—continued.

[Or, And that on the                      day of                      19                      the following award was made and given by me, the undersigned a                      Judge of County Courts                      Police Magistrate being the arbitrator herein, that is to say :]

[Here set out copy of agreement or award.]

[If a medical referee has been appointed to report, add:]

A copy of the report of Mr.                      a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[And, if so, the said Mr.                      attended the arbitration on the                      day of                      19                      ]

You are hereby requested to record this memorandum, pursuant to paragraph 6 of the Third Schedule to the above-mentioned Act.

Dated this                      day of                      19                     

[To be signed in accordance with Rub. 35, pars. 1 and 2.]

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

(iv) *Where Death resulted from Industrial Disease.*

To the Registrar of the County Court at

In the Matter of the *Workers' Compensation Act 1928.*

and

In the matter of an arbitration between

of [name]  
[address]  
[description]

Applicant,

and

of [name]  
[address]  
[description]

Respondents.

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

In the matter of an agreement between

of [name]  
[address]  
[description]

and

of [name]  
[address]  
[description]

Be it remembered, that on the                      day of                      19                      Mr.                      the certifying medical practitioner under the *Factories and Shops Act 1928* [or the *Workers' Compensation Act 1928*] [or Mr.                      one of the medical referees appointed by the Governor in Council for the purposes of the *Workers' Compensation Act 1928*] certified that A.B.                      of                      was suffering from                      a disease coming within section 18 of the *Workers' Compensation Act 1928* and was thereby disabled from earning full wages at the work at which he was employed; and on the                      day of                      the said A.B.                      died, his death being caused by the said disease :

[Or That on the                      day of                      A.B.                      late of                      died, his death being caused by                      disease coming within section 18 of the *Workers' Compensation Act 1928.*]

## FORM 25—continued.

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

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

[Or, And that on the day of 19, the following award was made and given by me, the undersigned Judge of County Courts that is to say:]  
a Police Magistrate

[Here set out copy of agreement, or award].

[If a medical referee has been appointed to report, add:]

A copy of the report of Mr. a medical referee appointed to report in the above-mentioned matter, is herewith annexed.

[Add, if so, The said Mr. attended the arbitration on the day of 19,

You are hereby requested to record this memorandum, pursuant to paragraph 6 of the Third Schedule to the above-mentioned Act.

[To be signed in accordance with Rule 35, pars. 1 and 2.]

Dated this day of 19

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

## FORM 26.

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 III. Paragraph 6: Rules 33 (3) and 41.

## 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] 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].

## Form 26—continued.

(c) The said \_\_\_\_\_ received the following payments, allowances, or benefits from his employers 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.]

[To be signed in accordance with Rule 35, par. 2.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

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

[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 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 partly 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 partly dependent, viz. :—

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

[To be signed in accordance with Rule 35, par. 2.]

## Form 27.

## Notice of Memorandum having been received.

[Heading as in Memorandum.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

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 7 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 a Judge of County Courts.

of a Police Magistrate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of the County Court at \_\_\_\_\_

To \_\_\_\_\_

## FORM 28.

*Notice disputing Memorandum or objecting to its being recorded.**[Not to be printed, but to be used as a Precedent.]*

(a)

*[Heading as in Memorandum.]*

TAKE NOTICE that the undersigned C.D. & Co. of \_\_\_\_\_, &c., 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 C.D. & Co., of \_\_\_\_\_, &c., object to the memorandum sent to you for registration in the above-mentioned matter being recorded, on the following grounds:—

*[Here state grounds. See particularly Schedule 3, para. 6, proviso (b)].*

Dated this \_\_\_\_\_

day of \_\_\_\_\_

C.D. &amp; Co. Limited,

By \_\_\_\_\_

Secretary.

*[Or,*

Barristers and Solicitors for C.D. &amp; Co. Limited.]

To \_\_\_\_\_

The Registrar of the County Court at \_\_\_\_\_

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

## FORM 29.

*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 [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 a \_\_\_\_\_ Judge of County Court. Police Magistrate.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

Registrar of the County Court at \_\_\_\_\_

To \_\_\_\_\_

## FORM 30.

*Notice of Application for Registration of Memorandum or for Rectification of Register.**[Not to be printed, but to be used as a Precedent.]*

(a)

*[Heading as in Memorandum.]*

TAKE NOTICE that I intend to apply to the \_\_\_\_\_ Judge of County Courts at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon [in case of notice by barrister and solicitor, on behalf of \_\_\_\_\_ of \_\_\_\_\_], for an order for the registration of the memorandum sent to the registrar 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 \_\_\_\_\_

Applicant.

*[Or*

Applicant's Barrister and Solicitor.]

To the Registrar of the County Court at \_\_\_\_\_ and to \_\_\_\_\_ and to Messrs. \_\_\_\_\_ [his [or their] barristers and solicitors].

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

## FORM 31.

*Notice to Parties where Registrar refers the Question of Recording a Memorandum of an Agreement to the Judge or Magistrate under Schedule 3, paragraph 6, proviso (d).*

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

(a)

[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 Judge of County Courts Police Magistrate pursuant to proviso (d) to paragraph 6 of the Third 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 Judge Police Magistrate you are hereby summoned to attend before him at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, when the matter will be inquired into.

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

Dated this day of

Registrar of the County Court at

To [all parties concerned].

## FORM 32.

*Application for Removal of Record of Memorandum of Agreement from Register under Schedule 3, paragraph 6, proviso (e).*

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

(a)

[Heading as in Memorandum.]

TAKE NOTICE that I intend to apply to the Judge of County Courts at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard 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 6 of the Third 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

Applicant.

[Or Applicant's Barrister and Solicitor.]

To the Registrar of the County Court at

and to Messrs.

and his [or their] Barrister and Solicitor.



## FORM 33.

*Notice to Parties where Judge or Magistrate directs Inquiry as to Removal of Record of Memorandum of Agreement from Register under Schedule 3, paragraph 6, proviso (e).*

(a)

[Heading as in Memorandum.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

WHEREAS it has been made to appear to the Judge of County Courts that an inquiry should be held as to the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the day of , pursuant to proviso [e] to paragraph 6 of the third 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 Judge Police Magistrate at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, when the matter will be inquired into by him.

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

Dated this day of

Registrar of the County Court at

To [all parties concerned].

## FORM 34.

*Form of Certificate under Section 12, Sub-section (1).*

In the County Court at

No. of plaintiff.

Between

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

Plaintiff

C. D. & Co. Limited of [address] [description]

Defendants.

And in the matter of the *Workers' Compensation Act 1928*.

I hereby certify that on the day of the above-named plaintiff commenced the above-named action against the above-named defendants claiming

[here state claim of plaintiff in action].

And that on the trial of the said action on the day of it was determined that the injury in respect of which the plaintiff claimed damages in the said action was one for which the defendants were not liable in the said action, but that such defendants would have been liable to pay compensation in respect of such injury under the above-mentioned Act:

And that thereupon the said action was dismissed, but the court on the request of the plaintiff proceeded to assess the compensation which the defendants would have been liable to pay under the said Act.

And that the court assessed such compensation at the sum of £ and directed [here state directions given as to payment of compensation and directions if any given, as to costs, and as to the deduction from the compensation of any costs which in the judgment of the court were caused by the plaintiff bringing the action instead of proceeding under the Act].

Dated this day of

Registrar.

## FORM 35.

*Application for Summons of Medical Referee as Assessor.**[Not to be printed, but to be used as a Precedent.]**[Heading as in Request for Arbitration.]*

The applicant [or respondent] applies to the Judge Police Magistrate to summon a medical referee to sit with him as an assessor, on the ground that questions are likely to arise in the arbitration as to the condition of the applicant or his fitness for employment [or as the case may be] and that it is desirable that the Judge Police Magistrate should have the assistance of a medical referee in the determination of such questions.

Dated this                      day of

(Signed) A.B.

Applicant.

or

Barrister and Solicitor for the Applicant

*[or as the case may be].*To the Registrar  
of the County Court at

I consent to a medical referee being summoned to sit with me as an assessor.

Judge.

Police Magistrate.

## FORM 36.

*Notice of Refusal to summon Medical Referee as Assessor.**[Heading as in Request for Arbitration.]*

I hereby give you notice that the Judge Police Magistrate in this case has directed me to inform you that your application for a medical referee to be summoned to sit with the Judge Police Magistrate as an assessor is refused, the Judge Police Magistrate being of opinion that the summoning of a medical referee is unnecessary.

Dated this                      day of

Registrar of the County  
Court at

To

*[the applicant for an assessor].*

## FORM 37.

*Summons to Medical Referee to sit as Assessor.**[Title as in Request for Arbitration.]*The  
Sir,                      day of

You are hereby summoned to attend and sit with the Judge Police Magistrate herein as an assessor at the court-house situate at                      on                      the day                      at the hour of                      in the                      noon.

I am, sir,

Your obedient servant,

Registrar of the County  
Court atTo  
of

## FORM 38.

*Application for Reference to Medical Referee under Schedule 2, paragraph 14.**[Not to be printed, but to be used as a Precedent.]*

(a)

In the matter of the *Workers' Compensation Act* 1928.

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

*[Or, where an arbitration is pending.]*

In the matter of an arbitration between A.B.

of [address  
 [description]

And

Applicant,

C.D. &amp; Co. Limited,

of [address  
 [description]

Respondents.

*Or, where application is made after weekly payment has been settled.]*

In the matter of an agreement [or a decision, or award or certificate]  
 recorded in the County Court at as to the weekly payment  
 payable to A.B., of , by  
 C.D. & Co., Limited, , of .

Application is hereby made on behalf of the above-named A.B. and C.D.  
 and Co. Limited, for a reference in the above-mentioned matter to a medical  
 referee pursuant to paragraph 14 of the Second 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 arbitration is pending.]*

1. An arbitration under the said Act is 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

*[Or where weekly payment has been settled.]*

1. Under an agreement [or a decision, or award, or certificate] in the above-  
 mentioned matter, recorded in the said 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 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. and 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

(a) Here fill in  
 name of place  
 in which pro-  
 ceedings were  
 commenced or  
 to which they  
 have been  
 transferred.

## FORM 38—continued.

been examined by the medical practitioner selected by himself] and a copy of the report of the said practitioner is [or copies of the reports of the said practitioners are] annexed to this application.

The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said A.B. and his fitness for employment, specifying 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                      .

(Signed)

Applicant.

[Or Applicant's Barrister and Solicitor.]

C.D. & Co. Limited,

By

Secretary.

[Or Barristers and Solicitors for C.D. & Co. Limited.]

To the Registrar of the County  
Court at

## FORM 39.

## Order of Reference, Schedule 2, paragraph 14.

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

(a)

## [Heading as in Application.]

On the application of A.B. of                      and C.D. & Co. Limited of                      (a copy of which is hereto annexed) I hereby appoint Mr.                      of                      one of the medical referees appointed by the Governor in Council for the purposes of the *Workers' Compensation Act* 1928 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 Registrar of the County Court at                      on or before the                      day of                      .

Dated this                      day of                      .

Registrar of the County  
Court at

## FORM 40.

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

cc)

[Heading as in Application.]

To \_\_\_\_\_ A.B. \_\_\_\_\_ of \_\_\_\_\_ {address and description}  
 TAKE NOTICE that I have appointed Mr. \_\_\_\_\_ of \_\_\_\_\_ one of the  
 medical referees appointed by the Governor in Council for the purposes of the  
Workers' Compensation Act 1928 to examine you in accordance with the applica-  
 tion in the above-mentioned matter for a reference to a medical referee.

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

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].

If you refuse to submit yourself for such examination or in any way obstruct the same your right to compensation and to take or prosecute any proceeding in relation to compensation (or your right to any weekly payment) shall be suspended until such examination has taken place.

Dated this                  day of                  Registrar of the County  
Court at

FORM 41.

*Notice to Parties of Certificate of Medical Referee.*

a)

[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.

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

To \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_ Registrar of the County  
and \_\_\_\_\_ Court at \_\_\_\_\_

FORM 42.

*Notice of Application for Suspension of Right to Compensation or to take or prosecute Proceedings in Relation to Compensation, or of Right to Weekly Payments, under Schedule 2, paragraph 4, paragraph 13, or paragraph 14 and Rule 49.*

[Not to be Printed, but to be used as a Precedent.]

 $\{a\}$ 

In the matter of the *Workers' Compensation Act 1928.*

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

[or where an arbitration is pending].

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

In the matter of an arbitration between

A.B.

of [address]  
[description]

**Applicant**

and

C. D. & Co. Limited.

of [address]  
[description]

### Respondents.

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

## FORM 42—continued.

In the matter of an agreement [or a decision or an award or a certificate] recorded in the County Court at \_\_\_\_\_ 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 Judge \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon or so soon thereafter as the parties can be heard (on behalf of Messrs. C.D. & Co. Limited, of &c.) 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 4 [or paragraph 14, of the Second 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 14 [or paragraph 13] of the Second 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 Second Schedule to the Act [or that you obstruct the examination by a medical referee ordered under paragraph 14 of the Second Schedule to the Act] and for consequential directions, and for costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ (Signed) C.D. & Co. Limited,  
To A.B., of \_\_\_\_\_ by \_\_\_\_\_ Secretary.  
and to Messrs. \_\_\_\_\_  
his Barristers and Solicitors. [Or  
Barristers and Solicitors for C.D. & Co. Limited.

## FORM 43.

## Præcipe for Payment into Court under Schedule 2, paragraph 5.

[Not to be printed, but to be used as a Precedent.]

In the County Court at \_\_\_\_\_

In the matter of the *Workers' Compensation Act 1928*

and

In the matter of an arbitration between

A.B., \_\_\_\_\_ of &c., \_\_\_\_\_ and \_\_\_\_\_ Applicant,  
C.D. & Co. Limited, \_\_\_\_\_ of &c., \_\_\_\_\_ Respondents.

[or

In the matter of an agreement between

A.B., \_\_\_\_\_ of &c., \_\_\_\_\_ and \_\_\_\_\_  
C.D. & Co. Limited, \_\_\_\_\_ of &c.]

[or

In the matter of a Certificate given in an action in [state court]  
between

A.B., \_\_\_\_\_ of &c., \_\_\_\_\_ Plaintiff,  
C.D. & Co. Limited, \_\_\_\_\_ of &c., \_\_\_\_\_ Defendants]

[or as the case may be].

TAKE NOTICE that C.D. & Co. Limited \_\_\_\_\_ of \_\_\_\_\_ [or Messrs. \_\_\_\_\_,  
barristers and solicitors for C.D. & Co. Limited \_\_\_\_\_ of \_\_\_\_\_  
, do pay into court \_\_\_\_\_ [when paid by Barristers  
and Solicitors add at the request and by the authority of the said C.D. & Co.

## FORM 43—continued.

Limited ], the sum of [state sum in letters] being the sum awarded  
[or agreed or directed] to be paid by the said C.D. & Co. Limited  
as compensation in the above-mentioned matter.

Dated this            day of

(Signed)            C.D. & Co. Limited  
by            Secretary.

[Or

Barristers and Solicitors for C.D. & Co. Limited.]

To the Registrar.

Received the above-mentioned sum of

Registrar.  
[Date].

## FORM 44.

*Præcipe for Payment into Court under Schedule 2, paragraph 5 and Rule 51,  
where there is no dispute as to the liability to pay Compensation, but the  
amount payable has not been ascertained or decided by Arbitration or  
Agreement.*

In the County Court at

No. of matter

In the matter of the *Workers' Compensation Act 1928*

and

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

TAKE NOTICE—

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

[Or, in case of industrial disease.]

TAKE NOTICE—

1. That on the            day of            Mr.            the  
certifying medical practitioner under the *Factories and Shops Act 1928* [or  
*Workers' Compensation Act 1928*] [or Mr.            one of the medical referees  
appointed by the Governor-in Council for the purposes of the *Workers' Compensation Act 1928*] certified that A.B.            of            was suffering from  
a disease coming within section 18 of the *Workers' Compensation Act 1928*,  
and was thereby disabled from earning full wages at the work at which he  
was employed; and on the            day of            the said A.B.  
died, his death being caused by the said disease.

[Or, That on the            day of            A.B.  
late of            died, his death being caused by            disease  
coming within section 18 of the *Workers' Compensation Act 1928* :

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

2. There is no dispute as to the liability of the said            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.            , but the amount payable as compensation has not  
been ascertained or decided either by arbitration or agreement.

## FORM 44—continued.

3. The said of [or Messrs. barristers and solicitors for the said of {do therefore pay into court [when paid by barristers and solicitors, add at the request of the said ] the sum of [state sum in letters] being the amount admitted by the said to be payable by them as compensation in the above-mentioned matter.

4. (a) The said A.B. was at the date of the accident [or disablement, or death] years of age.  
 (b) He was employed as and his earnings in the employment of the said during the three years next preceding the injury [or disablement or death] [or his average weekly earnings during the period of his employment under the said ] were

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

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

5. The amount admitted by the said to be payable as compensation has been arrived at as follows, viz. :—

Dated this day of  
 (Signed)  
 [or  
 Barristers and Solicitors for ]

To the Registrar.

Received the above mentioned sum of , subject to inquiry as to adequacy.

Registrar.  
 {Date}

## FORM 45.

Notice to parties where Registrar refers the question of adequacy of amount paid into court under Rule 51 to the Judge or Magistrate.

In the County Court at

[Heading as in *Præcipe* for Payment into Court.]

TAKE NOTICE that I have referred the question of the adequacy of the amount paid into court in this matter to the Judge  
 Police Magistrate.

AND FURTHER TAKE NOTICE that by order of the Judge  
 Police Magistrate you are hereby summoned to attend before the Judge  
 Police Magistrate at on the day of , at the hour of in the noon, or so soon thereafter as the parties can be heard, when the matter will be inquired into by the Judge  
 Police Magistrate And that if you do not attend either in person or by your barrister and solicitor on the day and at the hour above-mentioned such order will be made and proceedings taken as the Judge  
 Police Magistrate may think just and expedient.

Dated this day of

Registrar

To [the employer and the persons appearing by the *præcipe* to be interested in the amount paid in].



## FORM 46.

*Notice by Registrar of Payment into Court under Schedule 2, paragraph 5.*

(i)

*(i) Where amount payable has been ascertained or decided and payment into Court is made under Rule 50.*

In the County Court at

*[Heading as in Præcipe 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 Second Schedule to the *Workers' Compensation Act 1928*, and the Rules of Court made under the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To  
Hours of attendance, &c.

(ii)

*(ii) Where amount payable has not been ascertained or decided and payment into Court is made under Rule 51.*

In the County Court at

*[Heading as in Præcipe for Payment into Court.]*

TAKE NOTICE, that the sum of £ \_\_\_\_\_ has been paid into Court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into any court, such question, and all questions as to who are dependants, and the amount payable to each dependant must be settled by arbitration in accordance with the above-mentioned Act and the Rules of Court made under the said Act.

If no question arises as to the adequacy of the amount paid into court, 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 Second Schedule to the *Workers' Compensation Act 1928*, and the Rules of Courts made under the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To  
Hours of attendance, &c.

## FORM 47.

*Application for Investment or Application of Money paid into Court under Schedule 2, paragraph 5.**[Not to be printed, but to be used as a Precedent.]**(1) Application for Investment and Application of the Sum Paid into Court*  
In the County Court at*[Heading as in Præcipe for Payment into Court.]*TAKE NOTICE that I *[name and address of applicant]* intend to apply to the Judge at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon or so soon thereafter as the parties can be heard, 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.]*

## FORM 47—continued.

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 Judge in his discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Act, and for consequential directions.

Dated this                      day of                      (Signed)

To the Registrar and [to any other parties interested where the application is made on behalf of some only of the parties interested].

2. Application for Investment and Application of the Amount allotted to any person.

In the County Court at

[Heading as in *Præcipe for Payment into Court*.]

TAKE NOTICE that I [name and address of applicant] intend to apply to the Judge at                      on                      the                      day of                      , at the hour of                      in the                      noon or so soon thereafter as the parties can be heard, on behalf of myself [or of                      ] for an order for the investment and application of the sum paid into court in the above-mentioned matter and allotted to me                      [or to the said                      ]

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

[State how applicant wishes the sum to be dealt with]

or in such other manner as the Judge in his discretion thinks fit for my benefit [or for the benefit of the said                      ] and for consequential directions.

Dated this                      day of                      (Signed)

To the Registrar.

## FORM 48.

*Præcipe for Payment into Court under Schedule 2, paragraph (5) and Rule 52 where Liability to pay Compensation is denied, but the Employer is willing to pay a sum in settlement.*

In the County Court at

In the matter of the *Workers' Compensation Act 1928* and

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

## TAKE NOTICE—

1. That a claim has been made under the above-mentioned Act by [or on behalf of] the dependants of A.B. late of                      , deceased, against C.D. of                      , for compensation in respect of the injury caused to such dependants by the death of the said A.B. who died on the                      day of                      19                      .

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

[Or, in case of industrial disease]

2. The said dependants allege that the death of the said A.B. was caused by                      a disease coming within section 18 of the *Workers' Compensation Act 1928*, and that the above-mentioned disease was due

## FORM 48—continued.

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

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

4. The said C.D. of [or Messrs.  
barristers and solicitors for the said C.D. of  
] do therefore pay into court [when paid in by barristers and  
solicitors add at the request of the said C.D.] the sum  
of [state sum in letters] being the amount which they are willing  
to pay in full settlement of all claims to compensation in the above-mentioned  
matter.

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

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

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

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

Dated this day of 19  
(Signed)

[Or

Barristers and Solicitors for

To the Registrar  
of the County Court at

Received the above-mentioned sum of subject to inquiry as  
to adequacy.

Registrar.  
[Date.]

## FORM 49.

Application for Order for Payment into Court of Weekly Payment payable to person  
under Disability. Second Schedule, paragraph (7).

[Not to be printed, but to be used as a Precedent.]

(a) [Heading as Award, Memorandum, or Certificate.]

TAKE NOTICE that I [name and address of applicant] intend to apply to  
the Judge at on the day of at the hour of  
in the noon or so soon thereafter as the parties can  
be heard, 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

(Signed)

To the Registrar of the County Court at  
and [to the parties interested].

(a) Here fill in  
name of place  
in which pro-  
ceedings were  
commenced or  
to which they  
have been  
transferred.

## FORM 50.

*Application for Variation of Order under Second Schedule, paragraph (9).*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Award, Memorandum, or Certificate.]

TAKE NOTICE that I (name and address of applicant) intend to apply to the Judge on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, for an order that the order of the court [or the award] made in the above-mentioned matter on the day as to the apportionment of the sum paid as compensation among the dependants of A.B. deceased [or as to 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 (Signed)

Applicant.

To the Registrar of the County Court at and to [all persons interested].

[Or

Applicant's Barrister and Solicitor.]

## FORM 51.

*Application by Worker intending to cease to reside in Victoria for Reference to Medical Referee under Second Schedule, paragraph (17).*

[Not to be Printed, but to be used as a Precedent.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

In the matter of the *Workers' Compensation Act 1928*

and  
In the matter of an agreement [or a decision or an award or a certificate] recorded in the County Court at as to the weekly payment payable to A.B. of by C.D. & Co., Limited, of

TAKE NOTICE that A.B. of to whom under an agreement [or a decision or an award or a certificate] in the above-mentioned matter recorded in the said court on the day of a weekly payment of is payable by the above-mentioned C.D. & Co. Limited, as compensation for personal injury caused to the said A.B. by accident arising out of and in the course of his employment, intends to cease to reside in Victoria;

And that the said A.B. intends to apply to the Judge of the said court at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, for an order referring to a medical referee the question whether the incapacity of the said A.B. resulting from the injury, is likely to be of a permanent nature.

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

Dated this day of (Signed)

Applicant.

[Or

Applicant's Barrister and Solicitor.]

To the Registrar of the County Court at and to [the employer].

## FORM 52.

## Order of Reference. Schedule 2, paragraph (17).

(a)

[Heading as in Application Form.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

On the application of \_\_\_\_\_, of \_\_\_\_\_ (a copy of which is hereto annexed), I hereby appoint Mr. \_\_\_\_\_, of \_\_\_\_\_, one of the medical referees appointed by the Governor in Council for the purposes of the *Workers' Compensation Act* 1928, to examine the said [name of worker] and to give his certificate as to whether the incapacity of the said [name of worker] resulting from the injury is likely to be of a permanent nature.

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

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

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

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

The referee is requested to forward his certificate to the Registrar of the County Court at \_\_\_\_\_, on or before the \_\_\_\_\_ day of \_\_\_\_\_, specifying therein the nature of the incapacity of the said \_\_\_\_\_, resulting from the injury, and whether such incapacity is likely to be of a permanent nature.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Judge.

Police Magistrate.

## FORM 53.

[To be printed on thick blue foolscap.]

## Certificate of Identity.

[To be carefully preserved.]

NOTICE.—This Certificate is no security whatever for a debt.

No. of Certificate.

(a)

[Heading as in Award, Memorandum, or Certificate.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

THIS IS TO CERTIFY that A.B. \_\_\_\_\_ late of [address and description] is entitled to a weekly payment of \_\_\_\_\_ from [name and address of employer] as compensation payable to the said A.B. \_\_\_\_\_ in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A.B. \_\_\_\_\_ for work; and that the description of the said A.B. \_\_\_\_\_ and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows:—

Age  
Height  
Hair

Eyes

Nature of incapacity

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of the County Court at \_\_\_\_\_

## FORM 54.

*Notice to be given to Worker intending to cease to reside in Victoria.*

*[Heading as in Award, Memorandum or Certificate.]*

TAKE NOTICE, that if you desire to obtain payment of the weekly payments payable to you under the award [memorandum or certificate] hereto annexed while you are residing out of Victoria, you must at intervals of three months from the date up to which such payments have been made submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before some 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 copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above mentioned.

You must then 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, charge 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. In the event of your death while residing out of Victoria, your representatives must, in order to obtain payment of the arrears due to you, transmit to me at my office, situate at \_\_\_\_\_ a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for transmission to them of the amount of such arrears, specifying the place where and the manner in which such amount is to be transmitted to them.

The expression "your representatives" means—

- (a) if you leave a will, the executors of such will; or
- (b) if you die intestate, the persons who are according to law entitled to your personal estate; and payment of the arrears may be made to such persons without the production of letters of administration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of the County Court at \_\_\_\_\_

To A.B. \_\_\_\_\_  
of [address and description].

## FORM 55.

*Form of Medical Certificate to be obtained by Worker residing out of Victoria.*

*[Heading as in Award, Memorandum, or Certificate.]*

I [name, address, and medical qualification of medical practitioner] \_\_\_\_\_  
hereby certify that I have this day examined A.B. \_\_\_\_\_ of \_\_\_\_\_ whom  
I conscientiously believe to be the same person as A.B. \_\_\_\_\_ of \_\_\_\_\_  
described in the copy certificate of the medical referee in the above-mentioned  
matter, dated the \_\_\_\_\_ day of \_\_\_\_\_ and in the certificate of identity

[Signature and description of person before whom the declaration is made,]

[Signature and description of person before  
whom the declaration is made]

[add address of Registrar's office.]

## FORM 58.

*Notice by Registrar of County Court to Employer of Receipt of Medical Certificate and Declaration of Identity.*

[Heading as in Award, Memorandum, or Certificate.]

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 award [memorandum or certificate] 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 \_\_\_\_\_

Registrar of County Court at \_\_\_\_\_

To [name and address of employer.] \_\_\_\_\_

## FORM 59.

*Notice of Application for Determination of Amount of Costs under Schedule 3 paragraph (11).*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Award or Memorandum.]

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

(a)

TAKE NOTICE, that I intend to apply to the Judge \_\_\_\_\_ Police Magistrate at \_\_\_\_\_ on the \_\_\_\_\_ day \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon or so soon thereafter as the parties can be heard, to determine the amount of costs to be paid to me as barrister and solicitor [or agent] for you A.B. \_\_\_\_\_ in the above-mentioned matter; and for an order declaring that I am entitled to a lien for such amount on or to deduct such amount from the sum awarded as compensation to you the said A.B. \_\_\_\_\_ in the above-mentioned matter and for consequential directions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Applicant.

To the Registrar of the County Court at \_\_\_\_\_  
and to \_\_\_\_\_  
A.B. \_\_\_\_\_  
of \_\_\_\_\_

## FORM 60.

*Execution on Award or Memorandum or Certificate.*

In the County Court at \_\_\_\_\_

[Heading as in Award, Memorandum, or Certificate.]

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ an award was made in the above-mentioned matter by His Honour \_\_\_\_\_, a Judge of County Courts, the arbitrator, herein whereby it was ordered [state operative parts of award]—

[Or, Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, a memorandum was recorded in this Court of an agreement [or a decision, or an award] come to [or given or made] in the above-mentioned matter, whereby it was agreed [or ordered] [state operative parts of agreement, decision or award]—

[Or, Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ a memorandum was recorded in this court of a certificate given by the County Court at \_\_\_\_\_, to the effect that [state operative parts of certificate]—

And whereas default has been made in payment of the sum of £ \_\_\_\_\_ payable by the said \_\_\_\_\_ into court [or to the said A.B.] according to the said award [or memorandum or certificate];



## Form 60—continued.

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of *[name the party against whose goods execution is issued]* wheresoever they may be found within the district of this Court (except the wearing apparel and bedding of him or his family), and the tools and implements of his trade, if any, to the value of Ten pounds), the sum stated at the foot of this warrant, being the amount due under the said award *[or memorandum or certificate]*, together with the costs of this execution; and also to seize and take any money or bank notes and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the said *[name]* which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and to make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this       day of       , 19       .

By the Court,

Registrar

To the Bailiff of the said Court,

£ s. d.

Amount in payment whereof default has been made .. .. .

Practitioner's fees for issuing this warrant .. .. .

Stamp fee .. .. .

Bailiff's fees for executing this warrant .. .. .

Total amount to be levied .. .. .

## Form 61.

## Judgment Summons.

In the County Court at

*[Heading as in Award, Memorandum, or Certificate.]*

To       of       day of       .  
WHEREAS the said Court did on the       day of       the sum of  
191       , order that you should pay to       and the said sum is still wholly due and unpaid:

These are therefore to require you to appear personally before the said Court on the       day of       , 19       , at       o'clock in the       noon to be examined by the said Court touching your estate and effects, and as to the property and means you have of paying the said sum together with interest thereon, and *[if there have been previous fruitless executions]* the costs of previous executions against you, and as to the disposal you have made of your property and the mode in which you incurred the liability; and if you disobey this summons you will be committed to prison.

Given under my hand and the seal of the said Court this       day of       , 19       .

Registrar of the said Court.

## FORM 62.

## Register.

## The Workers' Compensation Act 1928.

No. of Matter.	Title.	Date of Proceedings.	Nature.
1	In the matter of arbitration between A.B. of &c. Applicant and C.D. & Co. Limited, of &c. Respondents.	July 11, 1928 ...	Request for arbitration filed, and Judge copy sent to Magistrate.
		July 24, 1928 ...	Copy request sent to Judge Magistrate.
		July 29, 1928 ...	Day for arbitration fixed.
		July 29, 1928 ...	Notice of day fixed sent to applicant, and notice with copy request sent to respondents by registered post.
		Aug. 5, 1928 ...	Respondents' answer filed; copies sent to Judge and applicant.
		Aug. 8, 1928 ...	Application by applicant for discovery; order made.
		Aug. 15, 1928 ...	Respondents' affidavit filed.
		Aug. 19, 1928 ...	Five subpoenas issued on application of applicant's barrister and solicitor.
		Aug. 23, 1928 ...	Arbitration held, Mr. appointed as medical referee to report; further hearing adjourned.
		Sept. 5, 1928 ...	Report of medical referee received and forwarded to Judge Magistrate; notice given to the parties.
		Oct. 16, 1928 ...	Further hearing. Award made as follows (enter minute of award).
		Oct. 23, 1928 ...	Costs of applicant taxed at £
		Nov. 5, 1928 ...	£ for costs paid into court by respondents.
		Nov. 11, 1928 ...	£ for costs paid to applicant's barrister and solicitor.
2	In the Matter of an agreement between A.B. of and E. F. & Co. Limited of &c.	Oct. 7, 1928 ...	Memorandum of agreement as to compensation, signed by barrister and solicitor of A.B. left to be recorded.
		Oct. 8, 1928 ...	Notice and copy memorandum sent by post to E.F. & Co. Limited.
		Oct. 10, 1928 ...	Notice sent to A.B.'s barrister and solicitor, that memorandum is disputed, and will not be recorded without consent in writing of E.F. & Co., Limited or order of Judge Magistrate.
		Oct. 15, 1928 ...	Application on behalf of A.B. that memorandum be recorded.
		Oct. 22, 1928 ...	Application heard, and order made that memorandum be recorded with alterations.
		Oct. 24, 1928 ...	Memorandum recorded as follows [set out memorandum].
		Oct. 31, 1928 ...	Costs of A.B. taxed and allowed at £
		Nov. 18, 1928 ...	Execution issued for costs. &c. &c. &c.

NOTE.—Similar entries to be made as to all matters required to be recorded.

Form 63.

*Workers' Compensation Act 1928.*

## APPLICATION FOR CERTIFICATE TO SCHEME.

Full name and address of employer—

Nature of employment—

Situation of works—

This application is made by the undersigned employer—

The total number of workers in the employment is and at a ballot, taken on , 19 , of such workers , If the scheme includes other employers and their workers a separate application must be made by each employer and provision for administration, &c., should be made in the scheme.

and at a ballot, taken on , 19 , of such workers , If the scheme includes other employers and their workers a separate application must be made by each employer and provision for administration, &c., should be made in the scheme.

voted in favour of the scheme, an abstract of which—with a notification that employers and their workers a separate application must be made by each employer and provision for administration, &c., should be made in the scheme.

any worker objecting to the same was at liberty to communicate his views to the Registrar of the County Court—was posted in a conspicuous position at all the works for a period of at least fourteen days immediately preceding the date of such ballot.

The scheme includes (or does not include) other employers and their workers.

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

	Scale of Compensation.	
	By Act.	By Scheme.
Where death results from injury—		
(a) If the worker leaves any dependants wholly dependent upon his earnings	(a) £200 to £680, subject to the conditions mentioned in the Act	(a)
b) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings	(b) Not exceeding (a) ..	(b)
(c) If the worker leaves no dependants	(c) Not exceeding £75 ..	(c)
Where total incapacity for work results from the injury—		
(a) Worker with dependants under fourteen years of age	(a) Not exceeding 66½ per cent. of average earnings and for each dependant child 5s. per week till the age of 14 years is reached, but the total amount in respect to all such children shall not exceed £1 per week, such payment being in addition to any other weekly payment hereunder, but the total amount payable shall not exceed average weekly earnings and shall not exceed £3 per week (Total liability of employer not to exceed £680)	(a)

## Form 63—continued.

	Scale of Compensation.	
	By Act.	By Scheme.
(b) Worker with no dependants	(b) Not exceeding average earnings and not exceeding £2 per week. (Total liability of employer not to exceed £600)	(b)
(c) If worker is under 21 years of age and his average weekly earnings are less than 20s.	(c) Not exceeding 15s. per week while he is under 21 years of age, but when he attains that age not exceeding 100 per cent. of average weekly earnings, and not less than 20s.	(c)
(d) Where partial incapacity for work results from injury. Where worker has obtained from a certifying medical practitioner a certificate to the effect that his age or any physical or mental infirmity or incapacity from which he is suffering is such as to render him specially liable to accident or to render the result of an accident to him specially serious and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under the Act in respect of accidents happening after the date of the agreement—	(d) Not less than a weekly payment equal to 66⅔ per cent. of average weekly earnings before the accident, and the average weekly amount able to be earned after the accident, or the sum of £3 whichever is the smaller amount	(d)
(a) Where death results from the injury and the worker leaves any dependants	(a) Not less than £100	(a)
(b) Where total or partial incapacity for work results from injury	(b) Not less than a weekly payment during incapacity of 20s. or one ⅓ of his average weekly earnings, whichever is the larger, and a total liability of £100	(b)
(c) Where total incapacity of worker over 21 years of age	(c) Weekly payment of not less than 20s., and total liability of £100	(c)

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 provisions enabling a worker to withdraw from the same, but does not contain any obligation upon the workers to join the scheme as a condition of their hiring.

With this application are sent—

(a) two printed copies of the scheme, each stitched in covers and signed by the applicants;

(b) an actuarial report on the scheme by Mr.

(c) a statutory declaration in Form 64 verifying the result of the ballot, &c.;

## Form 63—continued.

(d) a statement showing (1) the views of the general body of the workers as to the scheme, and (2) how such views were ascertained; and  
 \*See Rule 96. (e) The fee of \* prescribed by the Rules.

The views of the employer are as follows:—

The views of the workers are as follows:—

Date

19

Workers. If the employer is a body corporate the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.  
 Employer.

## Form 64.

## Workers' Compensation Act 1928.

## DECLARATION VERIFYING RESULT OF BALLOT, ETC.

Full name of employer—

I, , of , do solemnly and sincerely declare that a ballot taken on 19 , after fourteen days' notice thereof had been given, out of the total number of workers in the employment of , voted in favour of the scheme, application for\* , which is attached to this declaration, and that on the date of the said ballot the total number of workers in the said employment was .

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

This declaration is to be made either by the employer, by the manager of the works, or by some other responsible person.

\*Insert "certificate" or "renewal certificate" to (as the case may be).

Signature of declarant.

Declared before me at , in Victoria aforesaid, this day of 19 .

J.P.

## Form 65.

## Workers' Compensation Act 1928.

## APPLICATION FOR CERTIFICATE TO PARTIAL AMENDMENT OF SCHEME.

Full name and address of employer—

Number of scheme—

Date of certificate to scheme , 19 .

Application for certificate to an amendment of the above scheme is made by the undersigned employer.

With this application are sent—

- (a) a printed copy of the scheme as certified, marked to show where the alterations occur and what they are;
- (b) two printed copies of the amendment each signed by the applicants;
- (c) a statement showing (1) the views of the general body of workers and (2) how such views were ascertained; and
- (d) the fee of £1 prescribed by the Rules.

The views of the general body of workers are as follows:—

Workers.  
 Employer.

If the employer is a body corporate the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.

Date

, 19 .

## Form 66.

*Workers' Compensation Act 1928.*

If the scheme includes other employers and their workers a separate application must be made by each employer, and provision for administration, &c., should be made in the scheme.

## APPLICATION FOR RENEWAL OF CERTIFICATE TO SCHEME.

Full name and address of employer—

Nature of employment—

Situation of works—

This application is made by the undersigned employer

The total number of workers in the employment is , and the number contracting out under the scheme is

The scheme includes (or does not include) other employers and their workers. (If any modification of the scheme is now proposed, the following comparative statement should be filled in.)

The following is a comparison of the provisions of the scheme now submitted, with those of the scheme as certified and with those of the Act:—

	Scale of Compensation.		
	By Act.	By Scheme.	
		As Certified.	Proposed Alterations.
Where death results from injury—			
(a) If the worker leaves any dependants wholly dependent upon his earnings	(a) £200 to £680, subject to the conditions mentioned in the Act	(a)	(a)
(b) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings	(b) Not exceeding (a) ..	(b)	(b)
(c) If the worker leaves no dependants	(c) Not exceeding £75 ..	(c)	(c)
Where total incapacity for work results from the injury—			
(a) Worker with dependants under fourteen years of age	(a) Not exceeding 66½ per cent. of average earnings and for each dependent child 5s. per week till the age of 14 years is reached, but the total amount in respect of all such children shall not exceed £1 per week, such payment being in addition to any other weekly payment hereunder, but the total amount payable shall not exceed average weekly earnings, and shall not exceed £3 per week. (Total liability of employer not to exceed £680.)	(a)	(a)
(b) Worker with no dependants	(b) Not exceeding average earnings, and not exceeding £2 per week. (Total liability of employer not to exceed £600.)	(b)	(b)

## Form 66—continued.

	Scale of Compensation.		
	By Act.	By Scheme.	
		As Certified.	Proposed Alterations.
(c) If the worker is under 21 years of age and his average weekly earnings are less than 20s.	(c) Not exceeding 15s. per week while he is under 21 years of age, but when he attains that age, not exceeding 100 per cent. of average weekly earnings and not less than 20s.	(c)	(c)
(d) Where partial incapacity for work results from injury Where worker has obtained from a certifying medical practitioner a certificate to the effect that his age or any physical or mental infirmity or incapacity from which he is suffering is such as to render him specially liable to accident or to render the result of an accident to him specially serious and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under the Act in respect of accidents happening after the date of the agreement—	(d) Not less than a weekly payment equal to 66½ per cent. of average weekly earnings before the accident, and the average weekly amount able to be earned after the accident or the sum of £3, whichever is the smaller amount	(d)	(d)
(a) Where death results from the injury and the worker leaves any dependants—	(a) Not less than £100 ..	(a)	(a)
(b) Where total or partial incapacity for work results from the injury	(b) Not less than a weekly payment during incapacity of 20s., or one-quarter of his average weekly earnings, whichever is the larger, and a total liability of £100	(b)	(b)
(c) Where total incapacity of worker over 21 years of age—	(c) Weekly payment of not less than 20s. and total liability of £100	(c)	(c)
Benefits other than those of the Act—			
Contributions of employer ..	.. .. .		
Contributions of workmen ..	.. .. .		

With this application are sent—

(a) two printed copies of the scheme, each stitched in covers and signed by applicants;

(b) an actuarial report on the working of the scheme during the preceding five years by Mr ..

\*(c) a statement showing (1) the views of the general body of the workers as to the scheme, and (2) how such views were ascertained; and

(d) the fee of † prescribed by the Rules.

The views of the employer are as follows:—

The views of the workers are as follows:—

Workers.

Employer.

Date

, 19 .

\* The Judge may require a ballot if he thinks fit.  
† See Rule 96.

If the employer is a body corporate, the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.

Form 67.

*Workers' Compensation Act 1928.*

## FORM OF COMPLAINT OF WORKERS.

Scheme No. \_\_\_\_\_

the Registrar of the County Court at  
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 sub-section (1) of section 13 of the above-mentioned Act in the following respects :—

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

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

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

We request that a Judge of County Courts inquire into this complaint, and, if satisfied that good cause exists for it—unless the cause of complaint be removed—revoke the certificate to the scheme.

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

} Workers.

Date \_\_\_\_\_, 19 \_\_\_\_\_

We, William Henry Moule, William Henry Williams, and Hugh Campbell Gemmell Macindoe, being three Judges of County Courts of the State of Victoria having made the foregoing rules (to which are appended the forms prescribed therein) for the purpose of carrying into effect the *Workers' Compensation Act 1928* in certain matters affecting County Courts and the Judges and officers thereof, and of police magistrates and certain proceedings in County Courts, or before a Judge thereof or a police magistrate pursuant to section 30 of the said Act do hereby certify the same under our hands and submit them to the Attorney-General.

Melbourne, the 16th day of January, 1931.

WILLIAM H. MOULE.  
W. H. WILLIAMS.  
H. C. G. MACINDOE.

I direct that these Rules be published in the *Government Gazette*.

W. SLATER,  
Attorney-General.

Crown Law Offices,  
20th January, 1931.

By Authority : H. J. GREEN, Government Printer, Melbourne.