

COMPENSATION (COMMONWEALTH GOVERNMENT EMPLOYEES) AMENDMENT ACT 1976

No. 166 of 1976

An Act to increase certain Amounts of Compensation payable to and in respect of Commonwealth Government Employees and certain other Persons, and for other purposes.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. (1) This Act may be cited as the *Compensation (Commonwealth Government Employees) Amendment Act 1976*.¹ Short title, &c.

(2) The *Compensation (Australian Government Employees) Act 1971*² is in this Act referred to as the Principal Act.

2. This Act shall be deemed to have come into operation on 1 September 1976. Commencement.

3. Section 1 of the Principal Act is repealed and the following section substituted:—

“1. This Act may be cited as the *Compensation (Commonwealth Government Employees) Act 1971*.”. Short title.

4. Section 20 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-sections:— Functions and powers of the Commissioner.

“(6) Where—

- (a) a determination has been made under this Act, whether before or after the commencement of this sub-section;
- (b) a request has been made (whether before or after the commencement of this sub-section) under paragraph (b) of sub-section (4) for the reconsideration of that determination by the Commissioner; and
- (c) after the commencement of this sub-section, the Commissioner, in pursuance of that request—
 - (i) makes a determination varying or revoking the first-mentioned determination (whether or not, where he revokes the first-mentioned determination, he makes a new determination in substitution for that first-mentioned determination); or

- (ii) decides not to vary or revoke that first-mentioned determination,

the Commonwealth is, subject to sub-section (7), liable to reimburse a claimant affected by that first-mentioned determination for any costs reasonably incurred by him in relation to that first-mentioned determination after it was made and before the Commissioner notifies him of the making of the determination or decision referred to in paragraph (c).

“(7) Sub-section (6) does not apply in relation to costs incurred by a claimant who made a request referred to in paragraph (b) of that sub-section unless the reconsideration has had a result favourable to the claimant.”.

Provision of vocational training.

5. Section 38 of the Principal Act is amended by omitting from sub-section (3) the words “a rehabilitation allowance under section 135D of that Act” and substituting the words “a training allowance under section 135D of that Act except to the extent that that allowance exceeds the amount of the compensation payable to him under sub-section (5) of this section”.

Assignment, set-off or attachment of compensation.

6. Section 118 of the Principal Act is amended by omitting from sub-section (3) the words “or the *Matrimonial Causes Act 1959 1966*” and substituting the words “or by, or by regulations under, the *Family Law Act 1975*”.

Amendments relating to amount of compensation.

7. (1) The Principal Act is amended as set out in Schedule 1.

(2) The amendments made by sub-section (1) apply in relation to any weekly payments of compensation in so far as they relate to any part of a day, or any day or days, occurring after the commencement of this section notwithstanding that the compensation is payable in respect of an injury sustained, a disease contracted, or an aggravation, acceleration or recurrence of a disease suffered, before the commencement of this section.

(3) Where, after the commencement of this section, an employee—

- (a) dies;
- (b) suffers a loss of a kind referred to in section 39, 40 or 42 of the Principal Act as amended by this Act;
- (c) suffers facial disfigurement of a kind referred to in section 41 of that Act as so amended; or
- (d) becomes liable for any cost of a kind referred to in sub-section 37 (3) of that Act as so amended,

the amendments made by sub-section (1) apply in relation to any compensation payable in respect of that death (including the cost of the funeral of the employee), loss, disfigurement or cost, notwithstanding that the compensation is payable as a result of an injury sustained, a disease

contracted or an aggravation, acceleration or recurrence of a disease suffered, before the commencement of this section.

(4) Where, after the commencement of this section, compensation under sub-section 43 (5) of the Principal Act as amended by this Act ceases to be payable for the benefit of a child, the amendments made by sub-section (1) apply in relation to any compensation payable under sub-section 43 (7) of that Act as so amended in relation to that child, notwithstanding that the compensation is payable as a result of a death that occurred before the commencement of this section.

8. The Principal Act is amended as set out in Schedule 2.

Formal amendments.

SCHEDULE 1

Section 7 (1)

AMENDMENTS RELATING TO AMOUNTS OF COMPENSATION

Provision	Amendment
Section 37 (3)	Omit "\$500", substitute "\$700".
Section 39 (1)	Omit "\$20,000", substitute "\$25,000".
Section 39 (3)	Omit "\$20,000", substitute "\$25,000".
Section 39 (7)	Omit "\$10,000", substitute "\$12,500".
Section 40 (1)	Omit "\$10,000", substitute "\$12,500".
Section 41 (1)	Omit "\$10,000", substitute "\$12,500".
Section 41 (6) (b)	Omit "\$10,000", substitute "\$12,500".
Section 42 (1)	Omit "\$2,000", substitute "\$2,500".
Section 42 (2)	Omit "\$2,000", substitute "\$2,500".
Section 43 (3) (a)	Omit "\$20,000", substitute "\$25,000".
Section 43 (4) (a)	Omit "\$20,000", substitute "\$25,000".
Section 43 (5)	Omit "\$7", substitute "\$10".
Section 43 (7)	Omit "\$700" (wherever occurring), substitute "\$1,000".
Section 44 (1)	Omit "\$450", substitute "\$650".
Section 45 (2) (a)	Omit "\$57", substitute "\$80".
Section 45 (3)	Omit "\$15", substitute "\$21".
Section 45 (4)	Omit "\$7", substitute "\$10".
Section 46 (2) (a) (i)	Omit "\$57", substitute "\$80".

SCHEDULE 2

Section 8

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words "of this Act", "of this section" and "of this Part" (wherever occurring):—

Sections 2 (1), 5 (1) (definitions of "Compensation Tribunal", "employee", "injury", "the Commissioner" and "the proclaimed date"), (8) and (10), 6, 8 (2) (b), (c) and (d) and (4) (b) and (c), 19 (4), 23 (3), 25 (6) and (7), 27 (3), 29 (2) (b), 31 (5), 32 (3) and (4), 33 (1) and (3) (a), 34 (1), (2), (3), (4) and (5), 35, 37 (5), (6) and (9) (c), 38 (5) (a) and (b), 39 (3), (8) and (11), 42 (3), 43 (2), (3) (a), (4) (a), (7) (a), (8) and (9), 45 (3), (4), (6), (9) and (12), 46 (5), 47 (b), 49 (1), (3), (4), (5) and (6) (a), 50 (1) (a), 51, 52 (1), (2), (3), (5) (b), (6) (b), (7) and (8), 53 (3), 54 (2) (c), (3), (4) and (6) (a), 55 (3) (a) and (4), 57 (3), 58 (1) (a) and (5), 60 (4), 61 (2) (b), (3), (4) and (5), 62 (2), 63 (1), (2), (5), (6), (7) and (8), 72, 74 (4), 76 (5), 78, 85 (5) and (7), 89 (e), 90 (5), 92 (1) and (2), 97 (c), 99 (9), 100 (3) (a), (4) and (5), 101 (3), 102 (1), (2) and (5), 103 (5), (6) and (7), 104 (3), (4), (5),

SCHEDULE 2—continued

(6), (7), (8), (9), (10), (11), (12), (13) and (14), 105 (2), 107 (1), (8) and (9), 108 (2) and (3), 117 (3) and (4) and 123 (1)(b).

2. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 4 (1)	Omit "the First Schedule to this Act", substitute "Schedule 1".
Section 8 (1)	Omit "of this sub-section".
Section 8 (3)	Omit "of this Act" (second occurring).
Section 16	Omit "Public Service of the Commonwealth" (wherever occurring), substitute "Australian Public Service".
Section 18 (1)	Omit "the Second Schedule to this Act", substitute "Schedule 2".
Section 24 (4)	Omit "the Third Schedule to this Act", substitute "Schedule 3".
Section 25 (10) (a)	Omit ", or sub-section (2) of section 8, of this Act", substitute "or sub-section (2) of section 8".
Section 38 (5)	Omit "of this Act" (first occurring).
Section 41 (4)	Omit "of this Act".
Section 41 (12)	Omit "of this Act".
Section 42 (10)	Omit "of this Act".
Section 45 (2A)	Omit "of this section" (second occurring).
Section 47	Omit "of this Act" (first and second occurring).
Section 50 (2) (a)	Omit "of this Act" (second occurring).
Section 54 (5)	Omit ", or by virtue of section 44, of this Act", substitute "or by virtue of section 44,".
Section 57 (1)	Omit "of this Act" (first occurring).
Section 60 (3)	Omit "of this Act".
Section 61 (6)	Omit "of this Act".
Section 71 (1)	Omit "Public Service of the Commonwealth" (wherever occurring), substitute "Australian Public Service".
Section 73 (1)	Omit "the Second Schedule to this Act", substitute "Schedule 2".
Section 76 (3)	Omit "of this Act".
Section 76 (4)	Omit "of this Act".
Section 90 (3)	Omit "of this Act".
Section 90 (4)	Omit "of this Act".
Section 104 (15)	Omit "of this section".
Section 107 (4)	Omit "of this Act".
Section 117 (5)	Omit "of this Act".
The Schedules	Omit "THE SCHEDULES".
First Schedule	Omit "FIRST SCHEDULE", substitute "SCHEDULE 1".
Second Schedule	Omit "SECOND SCHEDULE", substitute "SCHEDULE 2".
Third Schedule	Omit "THIRD SCHEDULE", substitute "SCHEDULE 3".

NOTES

1. Act No. 166, 1976; assented to 10 December 1976.
2. Act No. 48, 1971, as amended. For previous amendments *see* Act No. 136, 1971; No. 122, 1972; No. 105, 1973; No. 216, 1973 (as amended by No. 20, 1974); and No. 92, 1974.