

EXPLANATORY STATEMENT

Statutory Rules 1985, No. 284

Issued by the authority for the Minister of State for Social Security.

Subject: Compensation (Commonwealth Government Employees) Act 1971.

Compensation (Commonwealth Government Employees) Regulations (Amendment).

The purpose of the proposed Statutory Rules is to increase, from 1 November 1985, the rates and amounts of compensation benefits payable under the Compensation (Commonwealth Government Employees) Act 1971.

Regulation 1 of the proposed Statutory Rules defines "Principal Regulations" to mean the Compensation (Commonwealth Government Employees) Regulations.

Regulation 2 of the proposed Statutory Rules amends Regulation 27 of the Compensation (Commonwealth Government Employees) Regulations to prescribe a rate of \$20.50 a week for the purposes of sub-section 43(5) of the Principal Act. Accordingly, the rate of weekly payment in respect of each dependent child of a deceased employee is increased from \$20.00 a week to \$20.50 a week.

Regulation 3 of the proposed Statutory Rules amends Regulation 28 of the Compensation (Commonwealth Government Employees) Regulations to prescribe a rate of \$28.70 a week for the purpose of sub-section 48(1) of the Principal Act. Accordingly, the rate of attendant's allowance payable when an injured employee requires the constant help of another person is increased from \$28.00 a week to \$28.70 a week.

Regulation 4 of the proposed Statutory Rules amends Schedule 4 of the Compensation (Commonwealth Government Employees) Regulations to prescribe new amounts of benefits under Regulation 26 which will apply the prescribed amounts for the purposes of various provisions of the Principal Act. Schedule 4 operates to increase compensation benefits as follows:

- . Sub-section 37(3) the general upper limit for the amount of compensation payable for alterations to buildings or vehicles, or repair, or replacement of certain aids and appliances, used by an incapacitated employee is increased from \$1,400 to \$1,440.
- . Sub-sections 39(1) and 39(3): the amount of compensation payable in respect of total loss of sight resulting from an injury is increased from \$49,990 to \$51,290. An increase in this amount has the effect of increasing the amount of compensation payable for other specified losses resulting from an injury in the same proportion. The compensation entitlement for these losses is expressed as a percentage of the maximum figure (eg loss of a leg below the knee attracts a payment of 65% of the amount payable for total loss of sight).

Sub-section 39(7): The amount of compensation for an injury that results in partial loss of sight in both eyes is increased from \$25,010 to \$25,660.

. Sub-section 40(1): the amount of compensation payable for an injury that results in loss of the capacity to engage in sexual intercourse is increased from \$25,010 to \$25,660.

. Sub-Sections 41(1) and (6): the maximum amount of compensation payable in respect of an injury that results in severe and permanent facial disfigurement is increased from \$25,010 to \$25,660.

. Sub-sections 42(1) and (2): compensation payable in respect of an injury that results in total and permanent loss of the sense of taste or smell is increased from \$5,000 to \$5,130.

. Paragraphs 43(3)(a) and (4)(a): the maximum amount of compensation payable to dependants in respect of an injury to an employee that results in his or her death is increased from \$49,990 to \$51,290.

. Paragraph 43(7)(b): the minimum total amount of compensation payable in respect of each dependent child of a deceased employee is increased from \$2,000 to \$2,050.

. Sub-section 44(1): the maximum amount of compensation payable in respect of funeral expenses incurred in respect of a deceased employee is increased from \$1,300 to \$1,330.

. Paragraph 45(2)(a): Sub-section 45(3): Sub-section 45(4):

- paragraph 45(2)(a): the basic weekly payment to an employee in respect of a period of total incapacity for work resulting from an injury is increased from \$160.60 to \$164.80.

- sub-section 45(3): the weekly allowance for a dependent spouse during such a period of total incapacity is increased from \$42.10 to \$43.20.

- sub-section 45(4): the weekly allowance for each dependent child during such a period of total incapacity is increased from \$20.00 to \$20.50.

Sub-paragraph 46(2)(a)(i): the maximum weekly amount of compensation payable to an employee in respect of a period of partial incapacity for work resulting from an injury is increased from \$160.60 to \$164.80.

Regulation 5 of the proposed Statutory Rules expresses the date of effect of these amendments to be 1 November 1985.

Sub-regulation 5(1) provides that an increased amount of compensation payable at a weekly rate under the Act applies in respect of any period commencing on or after 1 November 1985.

Sub-regulation 5(2) provides that an increased lump sum amount of compensation payable under the Act applies in respect of an injury that occurs to an employee on or after 1 November 1985 or a loss or event that occurs on or after 1 November 1985 resulting from an injury that occurred before that date.

(S.R. 304/85)