

## EXPLANATORY STATEMENT

Statutory Rules 1988 No 122

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

Subject:            Compensation (Commonwealth Government Employees) Act 1971.

Compensation (Commonwealth Government Employees) Regulations (Amendment).

The purpose of the Statutory Rules is to increase, from 13 June 1988, the rates and amounts of compensation benefits payable under the Compensation (Commonwealth Government Employees) Act 1971.

Regulation 1 of the Statutory Rules amends Regulation 27 of the Compensation (Commonwealth Government Employees) Regulations to prescribe a rate of \$24.00 a week for the purposes of subsection 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 \$23.10 to \$24.00 a week.

Regulation 2 of the Statutory Rules amends Regulation 28 of the Compensation (Commonwealth Government Employees) Regulations to prescribe a rate of \$33.50 a week for the purpose of subsection 48(1) of the Principal Act. Accordingly, the additional amount of compensation payable when an injured employee requires the constant help of another person is increased from \$32.50 a week to \$33.50 a week.

Regulation 3 of the 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 will operate to increase compensation benefits as follows:

- . Subsection 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 \$1,630 to \$1,692.
  
- . Subsections 39(1) and 39(3): the amount of compensation payable in respect of total loss of sight resulting from an injury is increased from \$57,780 to \$59,980. 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).

- . Subsection 39(7): the amount of compensation for an injury that results in partial loss of sight in both eyes is increased from \$28,910 to \$30,010.
- . Subsection 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 \$28,910 to \$30,010.
- . Subsections 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 \$28,910 to \$30,010.
- . Subsections 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 \$5,780 to \$6,000.
- . 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 \$57,780 to \$59,980.
- . Paragraph 43(7)(b): the minimum total amount of compensation payable in respect of each dependent child of a deceased employee is increased from \$2,310 to \$2,400.
- . Subsection 44(1): the maximum amount of compensation payable in respect of funeral expenses incurred in respect of a deceased employee is increased from \$1,490 to \$1,550.
- . Paragraph 45(2)(a); subsection 45(3); subsection 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 \$185.70 to \$192.80;
  - subsection 45(3): the weekly allowance for a dependent spouse during such a period of total incapacity is increased from \$48.60 to \$50.50;
  - subsection 45(4): the weekly allowance for each dependent child during such a period of total incapacity is increased from \$23.10 to \$24.00.
- . Subparagraph 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 \$185.70 to \$192.80.

Regulation 4 of the Statutory Rules provides for the date of effect of these amendments to be 13 June 1988.

Paragraph 4(a) applies the increased rates and amounts of weekly compensation payable under the Act in respect of any period commencing after 12 June 1988.

**Paragraph 4(b) applies the increased lump sum amounts of compensation payable under the Act in respect of an injury, a loss specified, or an event, that occurs after 12 June 1988.**