

## AUSTRALIA

## HOUSE OF REPRESENTATIVES

*(As read a third time)*

## NATIONAL COMPENSATION BILL 1974

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## SCHEDULE

THIS Bill originated in the House of Representatives;  
and, having this day passed, is now ready for  
presentation to the Senate for its concurrence.

7011

N. J. PARKES,

*Clerk of the House of Representatives*

House of Representatives,  
Melbourne, 24 October 1974

**A BILL**  
FOR  
**AN ACT**

To make Provision for the Payment of Benefits in respect  
of Incapacity as the Result of Sickness (including Personal  
Injury), for the Payment of Widows' Pensions and certain  
other Benefits, and for purposes connected therewith.

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

PART I—PRELIMINARY

1. This Act may be cited as the *National Compensation Act 1974*. Short title.
- 5 2. This Act shall come into operation on the day on which it receives Commence-  
ment.  
the Royal Assent.

Australia  
and States  
to be  
bound.

Inter-  
pretation.

3. This Act binds Australia and each State.

4. (1) In this Act, unless the contrary intention appears—

“applicant” means a person who has lodged a claim or on whose behalf a claim has been lodged;

“average weekly earnings” means an estimate published by the Statistician of the Average Weekly Earnings per Employed Male Unit, Australia, Seasonally adjusted; 5

“Australia” includes the continental shelf of Australia and the waters and airspace above that shelf;

“beneficiary” means a person in receipt of a benefit; 10

“benefit” means benefit (including a widow’s pension) under this Act;

“business” includes profession, trade, employment, vocation or calling, but does not include occupation as an employee;

“claim” means claim for benefit;

“commencing date” means 1 July 1976; 15

“damages” includes—

(a) compensation, by whatever name called; and

(b) payment under a compromise or settlement of a claim for damages, whether legal proceedings were instituted or not, but does not include an amount in respect of legal costs; 20

“deceased person” means a person, whether his usual place of residence was in Australia or not, as to whom the Secretary is satisfied that he died as the result of personal injury or sickness suffered—

(a) in Australia; or 25

(b) outside Australia, provided that he was a person who would have been entitled to benefit in respect of incapacity as the result of that injury or sickness if he had not died;

“Department” means Department of Repatriation and Compensation;

“dependent” means dependent for economic support, whether wholly or partly; 30

“determination” includes decision;

“earnings”, in relation to an employee, includes any of the following received or derived in the capacity of employee:—

(a) wages, salaries, commissions and emoluments; 35

(b) bonuses, gratuities and honoraria;

(c) fees, including directors’ fees;

(d) allowances, not being allowances in respect of expenses; and

(e) income from property, where that income is an emolument of employment or office,

but does not include—

(f) a lump sum paid as an allowance, gratuity or compensation in consequence of retirement or retrenchment from, or the termination of, employment or an office;

(g) a pension or an amount received in respect of superannuation; or

(h) the value of a benefit not received in the form of money;

10 “education” includes training for an occupation;

“employee” includes—

(a) a Minister of State of Australia, of a State or of another country;

15 (b) a member of the Parliament of Australia or of a State or of the legislature of a Territory or of another country;

(c) a person holding office (including judicial office) under, or employed by, Australia, a State, the Administration of a Territory or the government of another country, not being an office declared by the regulations to be an office in relation to which this Act does not apply;

20

(d) a member of a police force;

(e) a member of the Defence Force; and

(f) a director of a company;

“incapacity”, in relation to a person, means the impairment of—

25 (a) the ability of that person to engage in work that is useful or gainful; or

(b) the well-being of that person,

or both and “incapacitated” has a corresponding meaning;

30 “medical practitioner” means a person registered or licensed as a medical practitioner under a law that provides for the registration or licensing of medical practitioners;

“officer” means a person employed in the Department;

“periodical rate of benefit” means the rate of a benefit other than a benefit by way of a lump-sum payment;

35 “qualifying age”, in relation to a person, means the age—

(a) of 18 years;

(b) at which he first engages in full-time employment;

(c) at which he first engages in employment at a remuneration of not less than \$50 per week; or

40 (d) at which he first derives earnings as a self-employed person at a rate of not less than \$50 per week,

whichever of those ages he first attains;

“relative”, in relation to a deceased person, means—

- (a) the widower of the deceased person; or
- (b) a relative by blood or adoption of the deceased person, not being—

- (c) a child of the deceased person within the meaning of Division 1 of Part V;

- (d) a person who is deemed to be a widow of the deceased person by reason of the operation of sub-section 55 (3); or

- (e) a person who has attained the age of 65 years;

“re-marriage” includes, in the case of a woman who is deemed to be a widow by reason of the operation of sub-section 55 (3), marriage and “re-marry” has a corresponding meaning;

“Secretary” means the Permanent Head of the Department;

“self-employed person” means a person who practises a profession or carries on a business, whether alone or as a partner with another person;

“sickness” means a physical or mental disability, or physical or mental damage, that is not personal injury;

“Statistician” has the same meaning as in the *Census and Statistics Act 1905-1973*.

(2) For the purposes of the definition of “deceased person” in sub-section (1), a person who dies—

- (a) within 1 week after his incapacity commenced; or

- (b) in the case of a person referred to in section 43—within 3 weeks after his incapacity commenced,

shall not be taken, by reason only of his death during that period, to be a person who would not have been entitled to benefit if he had not died.

(3) For the purposes of sub-section (1), a member of a Parliament or of a legislature shall be deemed not to have ceased to be such a member while he continues to be entitled to any remuneration or allowance payable to him as such a member.

(4) For the purposes of this Act, an amount paid in respect of a period of leave of absence shall not be regarded as not being earnings.

(5) For the purposes of this Act, a widow’s pension or a benefit payable to a relative or child shall be deemed to be a benefit payable by reason of, or in respect of, death.

**Definition of employment.**

5. (1) For the purposes of this Act, a person referred to in the definition of “employee” in sub-section 4 (1) shall—

- (a) if he is a Minister of State of Australia;
- (b) if he is a member of the Parliament of Australia;
- (c) if he is a member of the Police Force of Australia;
- (d) if he is a member of the Defence Force; or
- (e) if he holds office under Australia,

be deemed to be in the employment of Australia.

(2) For the purposes of this Act, a person referred to in the definition of "employee" in sub-section 4 (1) shall—

- (a) if he is a Minister of State of a State;
- (b) if he is a member of the Parliament of a State or of the legislature of an internal Territory;
- 5 (c) if he is a member of the Police Force of a State or of an internal Territory; or
- (d) if he holds office under a State or the Administration of an internal Territory,

10 be deemed to be in the employment of that State or internal Territory.

(3) For the purposes of this Act, a person referred to in the definition of "employee" in sub-section 4 (1), being a director of a company, shall be deemed to be in the employment of that company.

PART II—ADMINISTRATION

15 6. The Secretary may, for the purposes of this Act, establish such offices as he thinks fit and place an officer in charge of any such office.

National Compensation offices.

7. (1) Subject to any directions of the Secretary, an officer may exercise any of the powers of the Secretary under this Act.

Exercise of powers of Secretary by officers.

20 (2) Where the exercise of a power by the Secretary is dependent upon the opinion, belief or state of mind of the Secretary in respect of a matter and an officer is authorized under this section to exercise that power, the officer may exercise that power upon his own opinion, belief or state of mind in respect of the matter.

25 (3) Nothing in this section prevents the exercise of a power by the Secretary.

(4) Subject to any directions of the Secretary, an officer has the same power in respect of a determination of the Secretary or of another officer as he would have if that determination had been made by himself.

30 (5) The exercise of a power by an officer under this section is subject to a power of review and alteration by the Secretary and a decision given upon or in respect of such a review or alteration shall be deemed to be a decision of the Secretary.

35 (6) The exercise or purported exercise of a power by an officer under this section is not invalid and shall not be called in question by reason only that it was not in accordance with a direction of the Secretary.

PART III—BENEFITS IN RESPECT OF PERSONAL INJURY

40 8. (1) For the purposes of this Act, "personal injury" means a physical or mental injury or other physical or mental damage or effect that is caused by an occurrence specified in, or is caused in circumstances specified in, the Schedule.

Personal injury.

(2) Nothing in section 9, 10 or 11 has effect so as to exclude an injury, damage or effect from the operation of this section.

(3) This section has effect subject to section 12.

Mental shock, psychiatric illness, &c.

9. For the purposes of this Act, the following are also personal injury:—

- (a) mental or nervous shock caused by an occurrence specified in, or caused in circumstances specified in, the Schedule;
- (b) a psychiatric illness or condition caused by an occurrence specified in, or caused in circumstances specified in, the Schedule.
- (c) a disease that is contracted by a person in the course of his employment, whether at or away from his place of employment, being a disease to which the employment contributed;
- (d) deafness resulting from repetitious noise; and
- (e) a physical or mental defect, including a disease, in a person occurring or existing at or shortly after birth, being a defect or disease that becomes evident before that person attains the age of 3 years.

Mis-adventures.

10. For the purposes of this Act, a misadventure in connexion with medical, surgical, dental or first-aid treatment, care or attention of a person is also personal injury.

Acceleration, &c., of diseases.

11. For the purposes of this Act, the contracting, acceleration, aggravation, exacerbation or deterioration of a disease as a result of personal injury is also personal injury.

Exclusion of non-work-related malignant neoplasms and cardiac episodes.

12. (1) For the purposes of this Act, a malignant neoplasm or cardiac episode is personal injury if it was contracted or sustained by the person concerned in the course of his employment, whether at or away from his place of employment, and the employment contributed to it but otherwise is not personal injury.

(2) For the purposes of the Act, the acceleration, aggravation, exacerbation or deterioration of a malignant neoplasm or cardiac episode, being such an acceleration, aggravation, exacerbation or deterioration—

- (a) that was due to or arose in the course of employment of the person concerned, whether at or away from his place of employment; and
  - (b) to which his employment contributed,
- is personal injury but otherwise is not personal injury.

Persons injured during crimes.

13. (1) The application of this Act does not extend to or in relation to an injury suffered by a person in the course of committing, or of attempting to commit, any of the following crimes, unless the injury results in death:—

- (a) murder;
- (b) maliciously or wilfully wounding or inflicting grievous bodily harm;
- (c) piracy;
- (d) an act done with the intention of endangering a person on board a vehicle, vessel or aircraft; or
- (e) revolt against the authority of the master of a ship or the commander of an aircraft.

(2) A reference in sub-section (1) to a specified crime includes a reference to a similar crime by whatever name called.

(3) This section does not have effect unless the person was convicted of committing, or of attempting to commit, the crime concerned.

5 14. The application of this Act does not extend to or in relation to death by judicial execution. Exclusion of judicial execution.

10 15. (1) This Act does not apply to or in relation to personal injury or sickness occurring on a ship, boat or aircraft on or in the water or air-space above the continental shelf of Australia, or to death as the result of personal injury or sickness so occurring, unless the ship, boat or aircraft is registered in Australia or the operations of the ship, boat or aircraft are based on a place in Australia. Application to ships, &c.

15 (2) Sub-section (1) does not affect the application of this Act to or in relation to a person whose usual place of residence is in Australia or is a person specified in paragraph 16 (2) (a), (b), (c), or (d).

16. (1) Subject to this Act, where the Secretary is satisfied that a person, whether his usual place of residence is in Australia or not, is incapacitated as the result of personal injury suffered by him in Australia, benefits are payable as provided by this Act. Benefits in respect of personal injury.

20 (2) Sub-section (1) extends to and in relation to personal injury suffered outside Australia by any of the following persons:—

(a) a member of the Defence Force;

25 (b) a person who was formerly resident in Australia but was not at the time when the personal injury occurred resident in Australia, being a person who ceased to be resident in Australia for the reason only that he left Australia—

(i) in connexion with the duties of his employment; or

(ii) for the purpose of receiving education or undertaking research,

30 provided that, immediately before the personal injury occurred, he intended to return to, and reside in, Australia within a reasonable time after those duties ceased or his education or research was completed;

35 (c) the spouse of, or a person dependent on, a person in relation to whom sub-section (1) may have effect by reason of paragraph (a) or (b); or

(d) a member of the family of a person in relation to whom sub-section (1) may have effect by reason of paragraph (a) or (b).

40 (3) In sub-section (2), "member of the family", in relation to a person, means the mother, or a son or daughter (including an adopted son or daughter), of the person or of the spouse, or former spouse, of the person.

(4) If a person in relation to whom sub-section (1) may have effect by reason of sub-section (2) ceases to be such a person, sub-section (1) extends to or in relation to personal injury suffered by him outside Australia before the expiration of 1 year after he so ceased.

(5) Sub-section (1) also extends to and in relation to incapacity as the result of personal injury suffered outside Australia by a person whose usual place of residence was, at the time when the personal injury occurred, in Australia (not being a person specified in sub-section (4)), provided the injury occurred within 1 year after he last left Australia. 5

Age and other limits for benefits.

17. (1) Benefit is not payable in respect of personal injury that occurred before the commencing date, unless the injury resulted or results in— 10

(a) permanent incapacity; or

(b) temporary incapacity extending beyond, or commencing after, the date fixed under sub-paragraph 19 (b) (i).

and any remedies in respect of the injury have been exhausted and the person has not recovered damages in respect of the injury. 15

(2) Subject to sub-section (1), benefit is not payable in respect of an injury that occurred before the person attained the qualifying age, unless the injury resulted or results in—

(a) permanent incapacity; or 20

(b) temporary incapacity extending beyond, or commencing after, the person attained the qualifying age,

and any remedies in respect of the injury have been exhausted and the person has not recovered damages in respect of the injury.

Benefits not payable to certain persons.

18. (1) Benefit in respect of personal injury is not payable to a person until he has attained the qualifying age or in respect of a period before he attains that age. 25

(2) Benefit in respect of personal injury is not payable to a person who has attained, or after he attains, the age of 65 years, unless the incapacity commenced after he attained the age of 61 years, in which case benefit is not payable for a longer period than 4 years after the incapacity commenced. 30

Commencement of benefits.

19. Benefit in respect of personal injury is not payable—

(a) where the personal injury occurred on or after the commencing date—in respect of a period before that date; or 35

(b) where the personal injury occurred before the commencing date—

(i) in respect of a period before the date fixed by Proclamation as the date from and including which benefits in respect of incapacity as the result of injury that occurred before the commencing date are payable; or 40

(ii) in respect of a period before a claim for benefit is lodged, whichever is the later.

## PART IV—BENEFITS IN RESPECT OF SICKNESS

20. (1) Subject to this Part—
- (a) benefits are payable in respect of incapacity as the result of sickness as though that sickness were personal injury; and
- 5 (b) this Act applies to and in relation to sickness and incapacity as the result of sickness as it applies to and in relation to personal injury and incapacity as the result of personal injury.
- (2) A reference in this Act to a provision of this Act, not being a provision contained in this Part, includes, unless the contrary intention
- 10 appears, a reference to that provision in its application by reason of sub-section (1).
21. Subject to this Part, benefits in respect of incapacity as the result of sickness are payable from and including a date (not being earlier than 1 July 1979) fixed by Proclamation as the date from and including which
- 15 such benefits are to become payable.
22. (1) Benefit is not payable in respect of sickness that occurred before the date fixed under section 21, unless the sickness resulted or results in—
- (a) permanent incapacity; or
- 20 (b) temporary incapacity extending beyond, or commencing after, the date fixed under sub-paragraph 22 (4) (b) (i),
- and any remedies in respect of the sickness have been exhausted and the person has not recovered damages in respect of the sickness.
- (2) Subject to sub-section (1), benefit is not payable in respect of sickness that occurred before the person attained the qualifying age, unless the
- 25 sickness resulted or results in—
- (a) permanent incapacity; or
- (b) temporary incapacity extending beyond, or commencing after, the person attained the qualifying age,
- 30 and any remedies in respect of the sickness have been exhausted and the person has not recovered damages in respect of the sickness.
- (3) Benefit in respect of sickness is not payable to a person—
- (a) until he has attained the qualifying age or in respect of a period before he attains that age; or
- 35 (b) who has attained, or after he attains, the age of 65 years.
- (4) Benefit in respect of sickness is not payable—
- (a) where the sickness occurred on or after the date fixed under section 21—in respect of a period before that date; or
- 40 (b) where the sickness occurred before that date—
- (i) in respect of a period before the date fixed by Proclamation as the date from and including which benefits in respect of incapacity as the result of sickness that occurred before the date fixed under section 21 are payable; or
- 45 (ii) in respect of a period before a claim for benefit is lodged, whichever is the later.

Extension  
of Act to  
sickness.

Date from  
which  
sickness  
benefits are  
payable.

Age and  
other  
limits for  
benefits.

Benefits not payable to non-residents.

23. In the application of sub-section 16 (1) by reason of section 20, that sub-section has effect as though for the words "whether his usual place of residence is in Australia or not" there were substituted the words "being a person whose usual place of residence is in Australia".

Commencement of benefit in certain cases.

24. (1) In the application, by reason of section 20, of—

- (a) paragraph 41 (1) (a)—the reference in that paragraph to the eighth day after the day on which the incapacity commenced shall be read as a reference to the twenty-second day after the day on which the incapacity commenced;
  - (b) sub-paragraph 41 (1) (b) (ii)—the reference in that sub-paragraph to 5 weeks shall be read as a reference to 7 weeks and the reference in that sub-paragraph to sub-paragraph 19 (b) (i) shall be read as a reference to sub-paragraph 22 (4) (b) (i); and
  - (c) sub-section 54 (1)—the reference to section 17 shall be read as a reference to sub-sections 22 (1) and (2).
- (2) There is payable to a person, being a person—
- (a) who, during the period of 1 year immediately before the day on which his incapacity commenced, received earnings as an employee or as a self-employed person; and
  - (b) commencement of payment of whose benefit is deferred by reason of the operation of paragraph 24 (1) (b),

in respect of each of the last 2 weeks during which the commencement of payment of benefit is so deferred, benefit at the rate of 85 per centum of the minimum weekly income specified in section 31.

(3) If the minimum weekly income specified in section 31 is increased in accordance with section 95, the reference in sub-section (2) to that minimum weekly income is a reference to that minimum weekly income as so increased.

(4) The rate of benefit payable under sub-section (2) is not subject to variation in accordance with section 94.

## PART V—RATES OF BENEFIT

### Division 1—Interpretation

Interpretation.

25. (1) In this Part, unless the contrary intention appears—
- "child" means a person who has not attained the age of 20 years but does not include a person who has completed his full-time education;
- "incapacitated person" means a person as to whom the Secretary is satisfied as provided by sub-section 16 (1).

(2) For the purposes of this Part, a reference to a child includes a reference to an adopted child and an illegitimate child, but does not include a reference to—

- 5 (a) an illegitimate child of a deceased person unless that child was dependent on the deceased person immediately before the death of the deceased person; or
- (b) an illegitimate child of a person, being the former spouse of a deceased person, who is not dependent on the first-mentioned person.

10 *Division 2—Weekly Income*

26. The weekly income of a person for the purposes of this Part is as provided by or ascertained under this Division. Ascertainment of weekly income.

27. (1) If, during the period of 4 weeks immediately before the day on which his incapacity commenced, a person derived earnings as an employee but did not derive earnings as a self-employed person, his weekly income for the purposes of this section is one-quarter of the amount of his earnings as an employee during that period. Weekly income—short-term.

(2) If, during the period of 4 weeks immediately before the day on which the incapacity commenced, a person derived earnings as a self-employed person but did not derive earnings as an employee, his weekly income for the purposes of this section is as specified in section 28.

(3) If—

- 25 (a) the amount of those earnings is not for the time being ascertainable; or
- (b) the person did not derive earnings as a self-employed person in respect of the whole of the period referred to in paragraph 28 (2) (a) or 28 (2) (b), whichever is applicable,

his weekly income for the purposes of this section is such amount as the Secretary determines as representing fairly his earnings per week as a self-employed person immediately before the incapacity commenced.

30 (4) If, during the period of 4 weeks immediately before his incapacity commenced, some of the earnings of a person were derived as an employee and some as a self-employed person, his weekly income for the purposes of this section is one-quarter of the aggregate of his earnings as an employee and his earnings as a self-employed person during that period, ascertained, in each case, as provided by the preceding provisions of this section.

28. (1) If, during the period of 1 year ending on 30 June last occurring before his incapacity commenced, a person derived earnings as an employee but did not derive earnings as a self-employed person, his weekly income for the purposes of this section is one-fifty-second of the amount of those earnings. Weekly income—long-term.

(2) If, during the period of 1 year ending on 30 June last occurring before his incapacity commenced, a person derived earnings as a self-employed person but did not derive earnings as an employee, his weekly income for the purposes of this section is—

- (a) one-fifty-second of the amount of his net income during the period of 1 year ending on 30 June last occurring before the incapacity commenced; or
- (b) one-one hundred and fifty-sixth of the amount of his net income during the period of 3 years ending on 30 June last occurring before the incapacity commenced.

whichever the Secretary determines as representing more fairly his earnings per week.

(3) If, during the period of 1 year ending on 30 June last occurring before his incapacity commenced, some of the earnings of a person were derived as an employee and some as a self-employed person, his weekly income for the purposes of this section is—

- (a) one-fifty-second of the aggregate of his earnings as an employee and as a self-employed person derived during that period; or
- (b) one-one hundred and fifty-sixth of the aggregate of his earnings as an employee and of his net income as a self-employed person derived during the period of 3 years referred to in sub-section (2),

whichever the Secretary determines as representing more fairly his earnings per week.

(4) If the amount of the earnings of a person during the period of 3 years referred to in sub-section (2) is not readily ascertainable, the amount of those earnings is such amount as the Secretary determines as fairly representing the amount of those earnings.

(5) If, in respect of the quarter last preceding the day on which a person's incapacity commenced, not being a quarter ending on 30 June—

- (a)  $a$  is greater than  $b$ —the amount of the weekly income of that person shall be increased by a percentage ascertained in accordance with the formula  $\frac{100(a-b)}{b}$  or by 1 per centum, whichever is the greater; or
- (b)  $a$  is not greater than  $b$ —the amount of the weekly income of that person shall be increased by 1 per centum.

(6) In sub-section (5)—

- $a$  is the average weekly earnings in respect of the quarter last preceding the day on which the person's incapacity commenced; and
- $b$  is the average weekly earnings in respect of the quarter ending on the thirtieth day of June in relation to which the weekly income of the person is ascertained under any of the preceding provisions of this section.

29. (1) This section applies in relation to the weekly income, for the purposes of benefit in respect of total incapacity, of a person—

Weekly income—  
young  
persons.

(a) whose usual place of residence at the time when his incapacity commenced was in Australia; and

5 (b) who had attained the age of 15 years but had not attained the age of 31 years when his incapacity commenced.

(2) The weekly income of such a person is, after he attains the age of 21 years, 26 years or 31 years, such amount, not being less than \$50 per week, as the Secretary determines as fairly representing the amount that the person's weekly earnings would have been if he had not been  
10 incapacitated.

30. (1) If, for any reason, the Secretary determines that the amount of the weekly income of an employee or a self-employed person as ascertained under the foregoing provisions of this Division does not  
15 fairly represent the weekly earnings of that person during a particular period, the weekly income of that person during that period is such amount as the Secretary determines as fairly representing those earnings.

Deter-  
mination  
of weekly  
income in  
special  
circum-  
stances.

(2) In particular, but without limiting the generality of sub-section (1), the Secretary may determine the weekly income of a person having regard  
20 to the average amount of his weekly earnings during such period as the Secretary considers appropriate, not being a period commencing more than 5 years before the date on which the incapacity commenced.

31. Notwithstanding any of the preceding provisions of this Division, the weekly income of a person who has attained the qualifying age shall  
25 not in any case be greater than \$500 or less than \$50.

Maximum  
and  
minimum  
weekly  
income.

### Division 3—Incapacity Benefits

32. Benefits are payable to incapacitated persons as provided by this Division.

Benefits in  
respect of  
incapacity.

30 33. (1) In the case of incapacity that the Secretary determines to be partial incapacity that is, or appears likely to be, permanent, the rate of benefit in respect of each week during which the incapacity continues is, subject to this section, the rate calculated in accordance with the formula

Rate of  
benefit in  
respect of  
permanent  
partial  
incapacity.

$\frac{ap}{100}$ , where—

35  $a$  is 85 per centum of the average weekly earnings last published before the benefit begins to be payable; and

$p$  is the percentage of the person's incapacity.

(2) If the person concerned did not derive any earnings as an employee or as a self-employed person during the period of 1 year immediately

before his incapacity commenced, the expression *a* in the formula in subsection (1) is 60 per centum of the average weekly earnings last published before the benefit begins to be payable.

(3) The weekly rate of benefit payable upon the grant of a benefit under this section shall not exceed 85 per centum of the weekly income of the person as ascertained under section 28, 29, 30 or 31, as the case may be, and thereafter shall be varied as provided by section 94. 5

Increase in degree of incapacity.

34. If a medical practitioner certifies that the percentage of a beneficiary's incapacity has increased, the Secretary may determine that the rate of benefit payable to the beneficiary, as from the date of the certificate, is the 10

rate ascertained in accordance with the formula  $\frac{r x}{y}$ , where—

*r* is the rate of benefit payable immediately before the date of the certificate;

*x* is the percentage of the beneficiary's incapacity as certified by the medical practitioner; and 15

*y* is the percentage of the beneficiary's incapacity used in the calculation of the rate of benefit payable immediately before the date of the certificate or that would have been payable but for subsection 33 (3).

Ascertainment of degree of incapacity.

35. (1) For the purposes of section 33 or 34, the percentage of a person's incapacity is that percentage (being a multiple of 5 per centum) that a medical practitioner certifies in writing to be the percentage of the person's incapacity. 20

(2) Where the percentage specified in the certificate is 10 or 5, the person shall be taken not to be incapacitated but, where the personal injury occurred after the commencing date, there is payable to that person a lump-sum benefit of the amount (if any) prescribed in respect of that injury. 25

(3) Where the percentage specified in the certificate is 85 or more, the person shall be taken to be totally incapacitated. 30

(4) For the purpose of giving a certificate as to the percentage of a person's incapacity, a medical practitioner shall have regard to the tables of relative impairment set out in the work entitled "Guides to the Evaluation of Permanent Impairment" prepared by the Committee of the American Medical Association on Rating of Mental and Physical Impairment and as last published by that Association. 35

Selection of appropriate medical certificate.

36. (1) Where, in relation to a claim, the Secretary has certificates by more than 1 medical practitioner, the Secretary may, in making a decision on the claim, act upon whichever of those certificates he considers to be the most appropriate. 40

(2) In this section, "claim" includes an application to review the rate of a benefit by reason of an increase in the beneficiary's incapacity.

37. (1) If the Secretary determines that the rate of benefit that, but for this section, would be payable to a person under section 33 or 34 is, having regard to the extent to which the person's personal efficiency and ability to lead a normal life have been impaired by reason of his incapacity, less than it should be, the weekly rate of benefit payable to that person is such higher rate as the Secretary determines.

Increased rate of benefit in respect of a permanent partial incapacity in certain cases.

(2) If benefit is not payable to a person by reason of the operation of sub-section 35 (2), the Secretary may determine that benefit is nevertheless payable to that person and at such rate as the Secretary determines.

(3) Where, in respect of a person (being a person to whom benefit is payable in respect of permanent partial incapacity), the rate  $a + b$  is less than the rate  $\frac{85c}{100}$ , the Secretary may determine that the weekly rate of benefit payable to that person is the rate ascertained in accordance with the formula  $\frac{85c}{100}$ .

(4) For the purposes of sub-section (3)—

- $a$  is the net income per week that the Secretary determines that the person is capable of earning;
- $b$  is the rate per week of the benefit that, but for this section, would be payable to the person; and
- $c$  is the weekly income of the person as ascertained in accordance with section 28, 29, 30 or 31, as the case may be.

(5) A rate of benefit determined under this section is subject to variation as provided by section 94.

(6) The rate of benefit payable to a person under this section shall not exceed the rate that would be payable to him if he were totally incapacitated.

38. (1) Subject to this section, Part VIII applies to and in relation to the certificate of a medical practitioner upon which the Secretary acted for the purposes of section 33 or 34, as the case may be, as it applies to and in relation to determinations of the Secretary.

Appeals from certificates of medical practitioners.

(2) An Appeal Tribunal may direct that proceedings under Part VIII in its application by reason of this section shall take place in private and may give directions as to the persons who may be present during the whole or a part of the proceedings.

(3) In dealing with the relevant claim, the Secretary shall give effect to the decision of the Appeal Tribunal as though it were a certificate of a medical practitioner.

39. (1) Where the Secretary determines that the incapacity of a person, being a person who, immediately before the personal injury occurred, was an employee, is partial incapacity that appears likely to be temporary, the weekly rate of benefit in respect of each week during which the incapacity

Rate of benefit in respect of temporary partial incapacity.

continues is such rate as the Secretary determines, but not exceeding one-half of the person's weekly income as ascertained under section 27, 29, 30 or 31, as the case may be.

(2) Benefit is not payable under sub-section (1) if the Secretary determines that the incapacity is insignificant. 5

(3) After benefit has been paid at the rate specified in sub-section (1) for a period of 26 weeks, the benefit ceases to be payable, unless the Secretary determines that, in the circumstances, the benefit should continue to be paid for such further period, not exceeding 1 year, as the Secretary determines, in which case the benefit continues to be so payable. 10

(4) If the Secretary determines that the incapacity is, or appears likely to be, permanent, benefit becomes payable as provided by section 33.

Benefits in respect of total incapacity.

40. In the case of incapacity that the Secretary determines to be total incapacity, a benefit is payable to the incapacitated person as provided by section 41 or 42. 15

Rate of benefit in respect of total incapacity.

41. (1) A benefit is payable to the incapacitated person—

(a) in respect of each week of the first 4 weeks during which the incapacity continues, beginning on the eighth day after the day on which the incapacity commenced—at a rate equal to 85 per centum of his weekly income as ascertained under section 27, 29, 30 or 31, as the case may be; and 20

(b) in respect of each week—

(i) after the expiration of the 4 weeks referred to in paragraph (a); or

(ii) if the incapacity commenced more than 5 weeks before the date fixed under sub-paragraph 19 (b) (i)—after that date, 25

during which the incapacity continues—at a rate equal to 85 per centum of his weekly income as ascertained under section 28, 29, 30 or 31, as the case may be. 30

(2) Notwithstanding anything in sub-section (1), the rate of benefit payable to a person in respect of a week under that sub-section is not less than the rate of benefit that would have been payable to him if he had become incapacitated immediately before the commencement of that week and his weekly income was the amount of \$50 referred to in section 31, or, if that amount has been increased under section 95, that amount as so increased. 35

(3) Benefit is not payable under this section by reference to a weekly income exceeding \$50 per week (or, if that amount has been increased under section 95, that amount as so increased) to a person who, immediately 40

before his incapacity commenced, was receiving full-time education until such time as the Secretary determines as being the time when the full-time education of the person would, but for the incapacity, normally have been completed.

- 5 42. (1) This section applies in relation to a person who, immediately before the day on which his incapacity commenced, was in full-time employment and has effect of notwithstanding anything in section 41.
- (2) The Minister may, by notice published in the *Gazette*, specify an amount as being the weekly rate of the minimum wage for the purposes  
10 of this section.
- (3) Where 85 per centum of the weekly income of a person, as ascertained under section 28, 29, 30 or 31, as the case may be, immediately before the day on which his incapacity commenced, was less than the amount specified by the Minister under sub-section (2), the weekly rate  
15 of benefit payable to that person is the amount so specified.
- (4) Where the weekly income of a person, as ascertained under section 28, 29, 30 or 31, as the case may be, immediately before the day on which his incapacity commenced, was less than the amount specified by the Minister under sub-section (2), sub-section (3) does not apply and  
20 the weekly rate of benefit payable to that person is that weekly income.
43. (1) In the application of paragraph 41 (1) (a) in respect of a person who did not derive any earnings as an employee or as a self-employed person during the period of 4 weeks immediately before his incapacity commenced, the reference in that paragraph to the eighth day after the  
25 day on which the incapacity commenced shall be read as a reference to the twenty-second day after the day on which the incapacity commenced.
- (2) Where, but for this Act, compensation would have been payable to an incapacitated person under the law of a State or Territory or of another country, being a law relating to compensation in respect of injury or illness suffered by employees, paragraph 41 (1) (a) has effect in relation  
30 to that incapacitated person as though there were omitted from that paragraph the words "beginning on the eighth day after the day on which the incapacity commenced".
44. (1) If a person in receipt of a benefit in respect of partial incapacity  
35 becomes entitled to—
- (a) a further benefit in respect of partial incapacity at a rate higher than that of the first-mentioned benefit; or
- (b) a benefit in respect of total incapacity,  
the first-mentioned benefit ceases to be payable.
- 40 (2) Payment of a benefit under section 47 or 48 is not affected by reason only of the beneficiary becoming entitled to another benefit under this Part.

Rate of benefit in respect of total incapacity—full-time employees with income below minimum wage.

Commencement of benefit in certain cases.

Successive benefits.

## Division 4—Death Benefits

Commencing date for benefits in respect of death as the result of sickness.

45. (1) In this Division, a reference to "the commencing date" is, in relation to a person who died as the result of sickness, a reference to the date fixed under section 21.

Funeral benefit.

46. (1) There is payable, in respect of the cost of the funeral of a deceased person who died on or after the commencing date, to the person who paid the cost of the funeral, or, if the cost of the funeral has not been paid, to the person who carried out the funeral, a benefit by way of a lump-sum payment of such amount as the Secretary determines to be reasonable having regard to the charges customarily made for funerals in the place where the funeral was carried out and to any amount paid or payable in respect of the cost of the funeral under some other law.

(2) Where a person is liable to pay the cost of the funeral of a deceased person, the amount paid under sub-section (1) to the person who carried out the funeral is, to the extent of the payment, a discharge of the liability of the first-mentioned person.

Children's benefit.

47. (1) A benefit is payable to a child (including an adopted or foster child) of a deceased person who died on or after the commencing date or of the spouse of such a person at a rate per week—

- (a) equal to three-twentieths of the rate per week of the benefit—
  - (i) that was payable to the deceased person under paragraph 41 (1) (b) immediately before his death; or
  - (ii) if the deceased person was not in receipt of benefit immediately before his death or was in receipt of benefit at a rate ascertained otherwise than under paragraph 41 (1) (b)—that would have been payable to him under that paragraph if he were totally incapacitated before his death; or
- (b) if both parents of the child have died—equal to twice the rate that would otherwise have been applicable under paragraph (a).

(2) In the application of sub-section (1), if the weekly income of the deceased person for the purposes of paragraph 41 (1) (b) was less than \$100, the rate of benefit that was payable to him or that would have been payable to him shall be taken to be the rate calculated by reference to a weekly income, for those purposes, of \$100.

(3) A benefit is payable to a child of a person who died before the commencing date at the rate of \$13 per week or, if both parents of the child have died, at the rate of \$26 per week.

(4) Benefit under sub-section (3) is not payable—

- (a) where the person died as the result of personal injury suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 19 (b) (i); or

(b) where the person died as the result of sickness suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 22 (4) (b) (i).

(5) A benefit is not payable to a child where the person in respect of whose death the benefit is payable was the mother of the child or the wife of the child's father unless the child was substantially dependent on that person immediately before the death of that person.

48. (1) The Secretary may determine that a benefit is payable to a relative of a deceased person who died on or after the commencing date (not being a person who has attained the age of 65 years) if the Secretary is satisfied that the relative was dependent on the deceased person at the time of the death of the deceased person. Relatives' benefit.

(2) A benefit under this section may be a benefit by way of a lump-sum payment of such amount as the Secretary determines or may be a benefit payable at such rate per week as the Secretary from time to time determines.

(3) For the purposes of making a determination under sub-section (1) or (2), the Secretary shall have regard—

- (a) to the extent to which the relative has suffered economically by the death of the deceased person;
- (b) to the state of his health;
- (c) to his age;
- (d) to his ability to engage in suitable gainful work;
- (e) to the nature and extent of his income;
- (f) to the total of the rates of benefit (if any) payable to the widow (or widower) and children of the deceased person; and
- (g) to such other matters as the Secretary considers to be appropriate.

(4) A benefit under this section is payable—

- (a) until the Secretary determines that payment of the benefit is no longer necessary having regard to the matters specified in sub-section (3); or
- (b) in the absence of such a determination, until the expiration of 1 year after the death of the deceased person or until the beneficiary attains the age of 65 years, whichever last happens.

(5) For the purposes of this section, where a man, although not married to a woman, lived with her on a permanent and *bona fide* basis immediately before her death and had so lived with that woman—

- (a) for not less than 3 years immediately before her death; or
- (b) from the time when the injury or sickness occurred until her death, whichever period is the shorter, that man shall be deemed to be a relative of that woman.

(6) The rate of a benefit under this section is not subject to variation in accordance with section 94.

Children's or relatives' benefit not payable to married women.

49. A benefit is not payable under section 47 or 48 to a female person who was married at the date of the death of the deceased person or has married or re-married since that date.

#### Division 5—General

Benefit in respect of expenses and losses.

50. (1) Where a benefit is payable to an incapacitated person, or by reason of the death of a deceased person, the Secretary shall pay to the incapacitated person, or to the legal personal representatives of the deceased person, a benefit by way of a lump-sum payment, by way of compensation, of such amount as the Secretary determines in respect of reasonable expenses and losses necessarily and directly resulting from the injury or death, but not including expenses or losses in respect of—

- (a) damage to property;
- (b) loss of opportunity to make a profit;
- (c) loss from inability to perform a business or professional contract; or
- (d) a matter in respect of which compensation is otherwise payable under this Act.

(2) A benefit shall not be paid under sub-section (1) unless the expenses have been paid or the loss has occurred, whether the amount of the expenses or loss is known or ascertainable or not.

(3) Where a benefit is payable to an incapacitated person who needs constant or intermittent personal attention, the Secretary may pay to that person, in addition to any other benefits payable, benefits of such amounts as the Secretary determines to be appropriate in respect of the cost of that personal attention.

(4) In the case of a person in relation to whom sub-section 16 (1) applies by reason of sub-section 16 (4) or 16 (5), a payment under this section in respect of medical or hospital expenses shall not exceed the amount of the corresponding expenses payable in Australia.

(5) Where benefit is not payable to a person by reason only that he has not attained the qualifying age, this section has effect as though a benefit were payable to him.

Disfigurement.

51. (1) Where a person has suffered severe facial or bodily disfigurement and damages have not been recovered in respect of the personal injury or sickness that caused the disfigurement, the Secretary may determine that there be paid to that person a benefit by way of a lump-sum payment of such amount, not exceeding \$10,000, as the Secretary determines.

(2) Where the disfigurement was caused by personal injury occurring before the commencing date, benefit under this section is not payable before the date fixed under sub-paragraph 19 (b) (i).

5 (3) Where the disfigurement was caused by sickness occurring before the date fixed under section 21, benefit under this section is not payable before the date fixed under sub-paragraph 22 (4) (b) (i).

10 52. Where the Secretary is satisfied that a person in receipt of a benefit under section 41 has again suffered personal injury and incapacity resulting from the later injury continues beyond the time when benefit would cease to be payable in respect of the earlier injury, benefit is payable in respect of the later injury from and including the day after the day on which benefit in respect of the earlier incapacity ceases to be payable. Second injuries.

15 53. (1) Where benefit is being paid at the rate applicable in respect of partial incapacity and the Secretary determines that the incapacity of the beneficiary has become total incapacity, the beneficiary is entitled to payment of benefit, from and including the date when the Secretary so determines, at the rate provided by paragraph 41 (1) (b). Change in nature of incapacity.

20 (2) Where benefit is being paid at the rate applicable in respect of total incapacity and the Secretary determines that the incapacity of the beneficiary has become partial incapacity, the beneficiary is entitled to payment of benefit, from and including the date when the Secretary so determines, at the rate provided by section 33.

25 54. (1) Subject to sub-section (2), where benefit under this Part (not being benefit at a rate referred to in sub-section 39 (1) or section 41) is payable to a person (not being a child), there is payable to that person a benefit by way of a lump-sum payment, in lieu of the first-mentioned benefit, equal to the present value of the first-mentioned benefit, calculated by reference to interest at the prescribed rate and assuming that the benefit would continue to be paid as provided by sub-section 18 (2) or 22 (3), as the case may be. Commutation of benefits.

30 (2) A benefit under this section by way of a lump-sum payment in excess of \$3,000 is payable only where the Secretary determines that—  
 (a) the beneficiary's incapacity is not likely to become total incapacity;  
 (b) the beneficiary intends to use the lump-sum payment in a manner particularly advantageous to the beneficiary; and  
 (c) in all the circumstances, it is desirable in the beneficiary's interests that the benefit should be paid by way of a lump-sum payment.  
 35

#### PART VI—WIDOWS' PENSIONS

40 55. (1) In this Part, unless the contrary intention appears—  
 "child" means a person who has not attained the age of 20 years;  
 "class A widow" means a widow (but not a widower) who—  
 (a) is pregnant;  
 (b) is maintaining a family home for a child; Interpretation.

- (c) is caring for an aged or infirm person who is related by blood or adoption to the widow;
- (d) is unable to engage in suitable gainful work; or
- (e) became a widow after attaining the age of 55 years;

“ class B widow ” means a widow (but not a widower) other than a class A widow.

(2) For the purposes of sub-section (1), a woman shall not, by reason of her employment in, or conduct of, a hospital, nursing home, old-peoples home or similar institution, be taken to be caring for aged or infirm persons.

(3) For the purposes of this Part, where a woman, although not married to a man, lived with him on a permanent and *bona fide* domestic basis immediately before his death and—

- (a) the woman had so lived with the man—
  - (i) for not less than 3 years immediately before his death; or
  - (ii) from the time when the injury or sickness occurred until his death,

whichever period is the shorter; or

- (b) the man was survived by a child who was a child of the union between that woman and that man and was dependent on that man immediately before his death,

then—

- (c) that woman shall, unless she has re-married, be deemed to be a widow of that man; and
- (d) that man shall be deemed to have been her husband and she shall be deemed to have been his wife.

(4) In this Part, each reference to “ the commencing date ” is, in relation to a person who died as the result of sickness, a reference to the date fixed under section 21.

**Widows' pensions.**

56. (1) Subject to this Act, pensions are payable as provided by this Part to women who are widows of deceased persons.

(2) Pension under this Part is not payable to a widow—

- (a) whose husband died as the result of personal injury suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 19 (b) (i); or
- (b) whose husband died as the result of sickness suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 22 (4) (b) (i).

(3) A pension is not payable under this Part to a woman who has attained, or after she attains, the age of 65 years.

**Rate of pension where husband dies after commencing date.**

57. (1) There is payable to a class A widow whose husband dies on or after the commencing date—

- (a) benefit by way of a lump-sum payment of \$1,000; and

- (b) a pension at a rate per week equal to three-fifths of the rate per week of the benefit—
- (i) that was payable to her husband under paragraph 41 (1) (b) immediately before his death; or
- 5 (ii) if her husband was not in receipt of benefit immediately before his death or was in receipt of benefit at a rate ascertained otherwise than under paragraph 41 (1) (b)—that would have been payable to him under that paragraph if he were totally incapacitated before his death.
- 10 (2) In the application of sub-section (1), if the weekly income of the husband for the purposes of paragraph 41 (1) (b) was less than \$100, the rate of benefit that was payable to him or that would have been payable to him shall be taken to be the rate calculated by reference to a weekly income, for those purposes, of \$100.
- 15 (3) If a class A widow re-marries, the pension payable to her at the rate ascertained in accordance with paragraph (1) (b) ceases to be payable but there is payable to her a benefit by way of a lump-sum payment equal to the amount of pension paid to her at that rate during the last preceding period of 1 year or the period since the death of her husband, whichever
- 20 period is the shorter.
- (4) There is payable to a class B widow whose husband died on or after the commencing date—
- (a) a benefit by way of a lump-sum payment of \$1,000; and
- 25 (b) until the expiration of a period of 1 year after the death of her husband or until her re-marriage, whichever first happens, pension at the rate of pension referred to in paragraph (1) (b).
- (5) If a class A widow becomes a class B widow or a class B widow becomes a class A widow, she is not entitled to a further benefit by way of a lump-sum payment of \$1,000.
- 30 58. (1) There is payable to a class A widow whose husband died before the commencing date a pension at the rate of \$50 per week.
- (2) If such a widow re-marries, the pension payable to her under sub-section (1) ceases but there is payable to her a benefit by way of a lump-sum payment equal to the amount of the pension paid to her under
- 35 that sub-section during the last preceding period of 1 year or the period since the death of her husband, whichever period is the shorter.
- (3) There is payable to a class B widow whose husband died within 1 year before the commencing date, until the expiration of a period of 1 year after the commencing date, or until her re-marriage, whichever first
- 40 happens, a pension at the rate of \$50 per week.
- (4) This section does not apply to a person who was not a widow immediately before the commencing date.

Rate of pension where husband died before commencing date.

Rate of pension where husband who died after commencing date is survived by several widows.

59. (1) This section has effect where a husband who died on or after the commencing date is survived by more than one widow to whom pensions are payable under this Part.

(2) The benefit referred to in paragraph 57 (1) (a) or 57 (4) (a) is payable to each widow. 5

(3) The rate of pension payable to each widow is such rate per week as the Secretary determines, having regard to the extent to which the widow was dependent on the deceased person immediately before his death and to any loss suffered by her by reason of his death, but so that the sum of the rates of pension payable to the widows does not exceed the rate of 10 benefit ascertained in accordance with paragraph 57 (1) (b).

(4) If the rate of pension payable to a widow under sub-section (3) is less than \$50 per week, the rate of pension payable to her is that amount per week.

(5) A pension payable to a widow in accordance with this section is 15 payable—

(a) in the case of a class A widow—until she re-marries; or

(b) in the case of a class B widow—until—

(i) she re-marries; or

(ii) the expiration of 1 year after the death of her husband, 20

whichever first happens.

(6) Upon a pension being paid to a widow at a rate ascertained in accordance with this section ceasing to be payable by reason of the operation of any provision of this Act—

(a) if there is then only one widow of the deceased person entitled 25 to pension—the rate of the pension payable to her is the rate ascertained in accordance with section 57; or

(b) if there are then two or more widows of the deceased person entitled to pension—the rate of pension payable to them shall 30 be re-calculated in accordance with sub-section (3).

(7) Upon a pension payable to a widow at a rate ascertained as provided by this section again becoming payable by reason of the operation of any provision of this Act, the rate of pension payable to that widow and to the other widow or widows of her husband shall be 3 re-calculated in accordance with sub-section (3).

Rate of pension where husband who died before commencing date is survived by several widows.

60. (1) This section has effect where a husband who died before the commencing date is survived at that date by more than one widow entitled to a pension under section 58.

(2) The rate of pension payable to each widow is \$50 per week.

(3) A pension payable to a widow in accordance with this section is 4 payable—

- (a) until the widow re-marries; or  
 (b) in the case of a class B widow—until the expiration of 1 year after the death of her husband,

whichever first happens.

- 5 61. The total of the rates of pension paid to the widow (or widows) and of benefit paid to the children of a deceased person who died on or after the commencing date shall not exceed the rate of benefit that would have been payable to the deceased person if he were totally incapacitated and had not died and the respective rates of pension and benefit so being  
 10 paid shall, where necessary, be reduced proportionately so as to give effect to this section.

Limitation of widows' pensions and children's benefits.

62. (1) Payment of a pension under this Part is not affected by reason only of the beneficiary becoming entitled to benefit under Part III.

Continuance of widows' pensions in certain cases.

- 15 (2) Payment of a pension under this Part to a class A widow who, upon attaining the age of 55 years, is maintaining a family home for a child or caring for an aged or infirm person who is related by blood or adoption to the widow is not affected by reason only of her ceasing, at any time after attaining that age, to maintain a family home for a child or to care for such a person.

20 PART VII—CLAIMS FOR BENEFIT

63. A benefit is not payable to a person unless a claim in writing is lodged, as prescribed, by or on behalf of that person.

Claims for benefit to be lodged.

- 25 64. A claim for benefit in respect of incapacity shall be deemed to have been lodged if a certificate by a medical practitioner is lodged, as prescribed, specifying the name of the incapacitated person and particulars of his personal injury or sickness and incapacity.

Claim made by lodgment of medical certificate.

65. A claim shall be investigated as the Secretary thinks appropriate.

Investigation of claims.

- 30 66. (1) The Secretary shall consider a claim on the information in his possession and shall inform the applicant in writing of the decision that it is proposed to make on the claim and of the rights of the applicant under section 67.

Applicants to be informed of proposed decisions.

- 35 (2) The Secretary may, of his own motion, reconsider a claim and, if it is proposed to make a decision different from the proposed decision of which the applicant has already been informed, he shall again inform the applicant as provided by sub-section (1).

(3) Unless the applicant makes a request under section 67, the Secretary shall make a decision on the claim in accordance with the proposed decision of which the applicant has been informed, or has last been informed, as the case may be.

**Reconsideration of claims.**

67. (1) An applicant may, as prescribed, before the expiration of 1 month after he is informed of the proposed decision on his claim, or within such further period as the Secretary, whether before or after the expiration of the first-mentioned period, allows, request the Secretary to reconsider the claim, in whole or in part. 5

(2) The request may set out reasons in support of the request.

(3) The Secretary shall, if the applicant so requests, give to the applicant an opportunity of being heard in person or by a person acting on his behalf and of furnishing further information to the Secretary.

(4) The Secretary shall further consider the claim and shall make such 10 decision as he thinks proper on the claim.

**Applicants to be informed of decisions.**

68. (1) The Secretary shall inform an applicant in writing of his decision, whether under section 66 or section 67.

(2) Unless the decision is wholly in favour of the applicant, the Secretary shall furnish to the applicant the reasons for his decision and shall inform the applicant that he may appeal against the decision as provided by Part VIII. 15

**Claims to be determined without formality, &c.**

69. (1) In dealing with a claim or other matter under this Act, the Secretary shall act with as little formality and technicality and with as much expedition as the requirements of this Act and a proper consideration of the real merits and justness of the claim or matter permit. 20

(2) Where the Secretary has not, within 21 days after a claim is lodged, informed the applicant of the decision that it is proposed to make, the applicant may lodge, as prescribed, a request that the claim be dealt with by an Appeal Tribunal. 25

(3) Where such a request is so lodged, the Secretary shall, at the expiration of 7 days, unless in the meantime he has informed the applicant of the decision that it is proposed to make, refer the claim to an appropriate Appeal Tribunal.

(4) The Appeal Tribunal shall consider and give a decision on the 30 claim and for that purpose has all the functions and powers of the Secretary in respect of the claim.

(5) An appeal does not lie against a decision given under sub-section (4).

(6) Proceedings of an Appeal Tribunal in respect of a claim being 35 dealt with by the Appeal Tribunal under this section shall not be in public.

(7) Section 92 applies to a decision of an Appeal Tribunal in respect of a claim dealt with by the Appeal Tribunal under this section.

**Provisional payment of benefit.**

70. (1) The Secretary may determine that a benefit be paid, at such rate as the Secretary determines, to a person who has lodged a claim, 40 pending the making of a decision on that claim.

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(8) A member who is suspended from office under this section is not entitled to be paid any remuneration or allowances in respect of the period of his suspension unless he is restored to office.

5 79. (1) Where a member is, or is expected to be, absent from duty or from Australia or is suspended, or the number of members of an Appeal Tribunal has fallen below 3, the Minister may appoint a person to act as a member of that Tribunal during the absence or suspension or until the number of members of that Tribunal ceases to be below 3. Acting appointments.

10 (2) A person appointed to act as a member of an Appeal Tribunal by reason of the number of members of that Tribunal falling below 3 shall not act as a member of that Tribunal in pursuance of that appointment after the expiration of 1 year from the date on which the number of members of that Tribunal fell below 3.

15 (3) Where the chairman of an Appeal Tribunal is, or is expected to be, absent from duty or from Australia or is suspended, or there is, or is expected to be, a vacancy in the office of chairman of an Appeal Tribunal, the Minister may appoint a member of that Tribunal to act as chairman during the absence or suspension or until the filling of the vacancy.

20 (4) A person appointed to act as chairman of an Appeal Tribunal during a vacancy in the office of chairman shall not act as chairman after the expiration of 1 year after the occurrence of the vacancy.

(5) The Minister may at any time terminate an appointment made by him under this section.

25 (6) Subject to this section, a person acting in an office in pursuance of this section shall act in that office on such terms and conditions as the Minister determines.

30 (7) The validity of a decision of an Appeal Tribunal shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

80. A member shall not exercise a power under this Act in a matter in which he has a direct or indirect pecuniary interest. Members not to act when interested.

35 81. (1) The chairman of an Appeal Tribunal shall convene such meetings of the Tribunal as he thinks necessary. Meetings of Tribunal.

(2) Meetings of an Appeal Tribunal shall be held at such places as the chairman determines.

(3) The chairman shall preside at all meetings of an Appeal Tribunal.

(4) Each Appeal Tribunal shall keep a record of its proceedings.

(5) Subject to this Act and the regulations, the chairman may give directions as to the procedure to be followed at or in connexion with a meeting of an Appeal Tribunal.

(6) At a meeting of an Appeal Tribunal—

(a) the chairman and one other member form a quorum; and

(b) all questions shall be decided according to the opinion of a majority of the members present.

**Appeals.**

82. (1) An applicant who is aggrieved by a decision of the Secretary, being a decision under section 66 or 67 (including either of those sections in its application by reason of any other provision of this Act), may lodge, as prescribed and within the prescribed time, an appeal against the whole or a part of the decision. 10

(2) An Appeal Tribunal may extend the time within which an appeal may be lodged and may do so although that time has expired. 15

(3) The Secretary shall forward the application to an appropriate Appeal Tribunal.

(4) The Appeal Tribunal shall consider the appeal and shall give to the applicant an opportunity of being heard in person or by a person acting on his behalf. 20

(5) The Appeal Tribunal shall give such decision on the appeal as the Tribunal thinks proper and shall give to the Secretary and to the applicant notice of its decision and the reasons for the decision, which shall include the findings of the Appeal Tribunal on material questions of fact. 25

(6) The Secretary shall give effect to the decision of the Appeal Tribunal as though it were a determination of the Secretary.

**Procedure of Tribunal.**

83. (1) The proceedings of an Appeal Tribunal shall be conducted with as little formality and technicality and with as much expedition as the requirements of this Act and a proper consideration of the real merits and justness of the matters and questions before the Tribunal permit. 30

(2) An Appeal Tribunal is not bound by any rules of evidence.

**Proceedings to be in public.**

84. (1) Subject to sub-section (2), proceedings before an Appeal Tribunal shall be in public.

(2) An Appeal Tribunal may, if it is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter, direct that proceedings or a part of any proceedings before the Tribunal shall take place in private and may give directions as to the persons who may be present during the whole or a part of the proceedings. 35

85. For the purpose of an appeal, an Appeal Tribunal may exercise all the powers that are conferred on the Secretary by this Act in relation to the determination of matters and questions. Powers of Tribunal.

86. (1) An Appeal Tribunal may— Evidence.

- 5 (a) take evidence on oath or affirmation and, for that purpose, administer an oath or affirmation;
- (b) proceed in the absence of a party who has had reasonable notice of the proceedings;
- (c) adjourn the proceedings from time to time;
- 10 (d) summon a person to appear before it to give evidence and to produce such documents and articles (if any) as are referred to in the summons; and
- (e) subject to this Act and the regulations, give all such directions and do all such things as are necessary or convenient for the purposes of the appeal.
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(2) The oath or affirmation to be made by a person for the purposes of this section is an oath or affirmation that the answers he will give to questions asked him will be true.

87. (1) The persons constituting an Appeal Tribunal have, in the performance of the duties of their office, the same protection and immunity as a Justice of the High Court. Protection of Tribunals, representatives and witnesses.

(2) A party appearing in person before an Appeal Tribunal, or a person appearing before an Appeal Tribunal on behalf of a party, has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

(3) Subject to this Act, a person summoned to attend or appearing before an Appeal Tribunal as a witness has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, as a witness in proceedings in the High Court.

88. (1) A person who has been summoned to appear as a witness before an Appeal Tribunal shall not, without lawful excuse, fail to appear in obedience to the summons. Disobedience to summons, &c.

(2) A person who has been summoned to produce a document or article to an Appeal Tribunal shall not, without lawful excuse, fail to produce the document or article.

(3) A person who appears (whether summoned to appear or not) as a witness before an Appeal Tribunal shall not, without lawful excuse—

- (a) refuse or fail to make an oath or affirmation;

- (b) refuse or fail to answer a question that he is required to answer; or
- (c) refuse or fail to produce a document or article that he is required to produce.

Penalty: \$1000 or imprisonment for 3 months.

**Fees for witnesses.**

89. Where a person is summoned to appear as a witness before an Appeal Tribunal, the person is entitled to be paid the prescribed fee—

- (a) where the witness was summoned at the request of a person other than the Secretary—by that person; or
- (b) in any other case—by the Secretary.

**Expenses of applicant.**

90. An Appeal Tribunal may direct that there be paid to an applicant such amount in respect of his costs and expenses of the proceedings before the Appeal Tribunal as the Appeal Tribunal determines and the Secretary shall pay that amount accordingly.

**Offences in relation to Tribunal.**

91. A person shall not—

- (a) insult or disturb a member of an Appeal Tribunal in the exercise of his powers or functions; 15
- (b) interrupt the proceedings of an Appeal Tribunal;
- (c) use insulting language towards a member of an Appeal Tribunal;
- (d) create a disturbance or take part in creating or continuing a disturbance in or near a place where an Appeal Tribunal is sitting; 20
- (e) contravene or fail to comply with a direction of an Appeal Tribunal given under sub-section 38 (3) or 84 (2); or
- (f) do any other act or thing that would, if an Appeal Tribunal were a court of record, constitute a contempt of that court. 25

Penalty: \$1,000 or imprisonment for 3 months.

**Appeal to Court.**

92. (1) The Secretary or the applicant may appeal to the Superior Court of Australia from a decision of an Appeal Tribunal that involves a question of law.

(2) The applicant and the Secretary shall be the parties to the appeal. 30

(3) The appeal shall be heard and determined by a single Judge of the court.

(4) Upon the hearing of the appeal, the court may admit further evidence.

(5) The court may affirm, reverse or modify the decision appealed against and may give such judgment, or make such order, as it thinks fit or may refuse to make an order. 35

(6) The court may order a party to pay costs to the other party.

(7) The decision of the court is final and conclusive.

## PART IX—VARIATION OF BENEFITS

93. (1) In this Part, "consumer price index" means the all groups consumer price index number for the weighted average of the 6 State capital cities published by the Statistician. Inter-pretation.

5 (2) Subject to sub-section (3), if at any time, whether before or after the commencing date, the Statistician has published, in respect of a particular quarter, a consumer price index or average weekly earnings in substitution for a consumer price index or average weekly earnings, respectively, previously published by him in respect of that quarter, the  
10 publication of the latter consumer price index or average weekly earnings, respectively, shall be disregarded for the purposes of this Part.

(3) If at any time after the commencing date the Statistician changes the reference base for the consumer price index, then, for the purposes of the application of section 94 after the change takes place, regard shall be  
15 had only to the consumer price index published in terms of the new reference base.

94. (1) If, in respect of a quarter,  $a$  is greater than  $b$ , each periodical rate of benefit payable immediately before the end of that quarter shall, as from the first day of the second month following the end of that quarter,  
20 be increased by a percentage ascertained in accordance with the formula

$$\frac{100(a-b)}{b} + 0.25$$

(2) If, in respect of a quarter  $a$  is not greater than  $b$ , each periodical  
25 rate of benefit payable immediately before the end of that quarter shall, as from the first day of the second month following the end of that quarter, be increased by 0.25 per centum.

(3) Where under a provision of this Act benefits are payable at a rate expressed as a specified amount in dollars per week, that rate shall—

30 (a) as from the first day of the second month of the first quarter commencing after the commencing date, be increased in accordance with sub-section (1) or (2) as though it were a periodical rate of benefit payable immediately before the end of that quarter; and

35 (b) as increased under paragraph (a), or as last increased under this paragraph, be further increased as from the first day of the second month of each succeeding quarter, in accordance with sub-section (1) or (2) as though it were a periodical rate of benefit payable immediately before the end of the previous quarter.

40 (4) A benefit payable at a rate to which sub-section (3) applies is not subject to variation as provided by sub-section (1) or (2).

- (5) In the application of sub-sections (1) and (2) in relation to a quarter—  
*a* is the consumer price index in respect of that quarter; and  
*b* is the consumer price index in respect of—
- (a) the last preceding quarter in relation to which periodical rates of benefit were increased under sub-section (1); or
  - (b) if periodical rates of benefit have not been increased under sub-section (1)—the quarter last preceding the commencing date.

(6) The reference in sub-section (1) or (2) to periodical rates of benefit payable immediately before the end of the quarter shall, in respect of whichever of those sub-sections first has effect, be read as a reference to periodical rates of benefit specified in, or ascertained under, this Act.

Variation of maximum and minimum weekly income.

95. (1) If, in respect of a March quarter, *c* is greater than *d*, the amount of weekly income referred to in section 31 and sub-sections 41 (2), 41 (3), 47 (2) and 57 (2) and applicable immediately before the end of that quarter shall, as from 1 July next succeeding, be increased by a

percentage ascertained in accordance with the formula  $\frac{100(c-d)}{d}$  or by

1 per centum, whichever is the greater.

(2) If, in respect of a March quarter, *c* is not greater than *d*, the amounts referred to in sub-section (1) and applicable immediately before the end of that quarter shall, as from 1 July next succeeding, be increased by 1 per centum.

(3) In the applications of sub-sections (1) and (2) in relation to a March quarter—

- c* is the average weekly earnings in respect of that quarter; and  
*d* is the average weekly earnings in respect of the last preceding March quarter.

#### PART X—MISCELLANEOUS

Inter-pretation.

96. In section 97 and in sub-section 98 (1), a reference to a cause of action, claim, demand, damages or liability—

- (a) includes a cause of action, claim, demand, damages or liability for loss of services or for loss of consortium; and
- (b) does not include a cause of action, claim, demand, damages or liability in so far as it is in respect of injury to property or a breach of a contract of insurance.

Benefits to be in substitution for other claims.

97. (1) It is the intention of the Parliament that a benefit in respect of incapacity or death as the result of personal injury or sickness is to be in substitution for any damages recoverable or payable in respect of that

injury, sickness or death, whatever the cause of action or basis of liability and whether the cause of action is actionable at the suit of, or the liability is enforceable by, the incapacitated person or some other person.

5 (2) The reference in sub-section (1) to a benefit extends to a benefit that is not being paid by reason only that a claim for it has not been lodged.

(3) An action or other proceeding does not lie in respect of damages to which this section applies.

10 (4) This section does not apply to damages under the *Civil Aviation (Carriers' Liability) Act 1959-1973* or the *Civil Aviation (Damage by Aircraft) Act 1958-1973*.

15 98. (1) Where a person has received payment of a benefit in respect of incapacity or death as the result of personal injury or sickness and the whole or a part of a sum of money that that person has received is by way of damages in respect of that injury, sickness or death, the Secretary may require that person to pay to Australia an amount specified by the Secretary, being an amount that, together with any other such amounts paid by that person to Australia, is not greater than the sum so received by that person, and that person is liable to pay to Australia the amount so specified.

Secretary may require certain amounts to be paid to Australia.

20 (2) Where a benefit is being paid in respect of incapacity or death as the result of personal injury and the whole or a part of a sum of money that some person other than the beneficiary has received is by way of damages in respect of that injury in an action for loss of services or for loss of consortium, the Secretary may require that other person to pay to Australia an amount specified by the Secretary, being an amount that, together with any other such amounts paid by that other person, and that other person is liable to pay to Australia the amount so specified.

25 (3) Australia may recover an amount that a person is liable to pay to Australia under sub-section (1) or (2) as a debt due by that person to Australia.

30 (4) Where the Secretary makes a requirement under sub-section (1) or (2), he shall forthwith cancel further payment of the benefit concerned.

35 99. (1) A person is not to be subject to any liability, obligation, prohibition or other disadvantage under the law of a State or internal Territory by reason only of his not having effected any insurance required or provided for by that law, being insurance in respect of personal injury (as defined by Part III or otherwise) or death.

Persons not to be disadvantaged by non-insurance.

40 (2) Without limiting the generality of sub-section (1), the issue of a licence or other instrument under a law of a State or internal Territory shall not be refused by reason only that a person has not effected any insurance required under or provided for by that law, being insurance in respect of personal injury (as defined by Part III or otherwise) or death.

(3) This section has effect on and after the commencing date.

Benefits payable weekly.

100. (1) Subject to sub-section (2), benefits other than benefits by way of lump-sum payments are payable in weekly instalments on such days as the Secretary determines.

(2) Where a benefit is payable in respect of a period less than a week, the benefit is payable in respect of each day other than Sunday in that period and the amount of the benefit payable in respect of each such day is one-sixth of the weekly rate of benefit. 5

Statements to be furnished when required.

101. A beneficiary shall, whenever so required by the Secretary, furnish to the Secretary, at such place as the Secretary specifies, a statement in writing, and, if the Secretary so requires, in accordance with a form furnished by the Secretary, with respect to such matters relating to the application of this Act to the beneficiary as the Secretary specifies.

Taking evidence, &c.

102. (1) The Secretary may, for the purposes of this Act—

- (a) summon witnesses;
- (b) receive evidence on oath or affirmation; and
- (c) require the production of documents. 15

(2) A person who has been summoned or required to produce documents under sub-section (1) shall not, without lawful excuse, after tender of reasonable expenses, fail to appear in obedience to the summons or to produce any of those documents. 20

Penalty: \$200.

(3) A statement or disclosure made by a witness to the Secretary is not admissible in evidence against him in any civil or criminal proceedings other than a proceeding for an offence against section 108.

Officers to observe secrecy.

103. (1) An officer shall, if the Minister or the Secretary so directs, 25 before entering upon his duties, or exercising any powers or functions, under this Act, make before a Justice of the Peace or a Commissioner for Declarations a declaration in accordance with the prescribed form.

(2) A person shall not, directly or indirectly, except in the performance of his duties, or in the exercise of his powers or functions, under this Act, 30 and while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the performance of his duties, or in the exercise of his powers or functions, under this Act.

Penalty: \$1,000. 35

(3) A person who is, or has been, an officer shall not, except for the purposes of this Act, be required—

- (a) to produce in court a document that has come into his possession or under his control in the performance of his duties or in the exercise of his powers or functions under this Act; or
- (b) to divulge or communicate to a court a matter or thing that has come under his notice in the performance of any such duty or in the exercise of any such power or function. 40

(4) Notwithstanding anything contained in the preceding provisions of this section, an officer may—

- 5 (a) if the Minister or the Secretary certifies that it is necessary in the public interest that information acquired by the officer in the performance of his duties, or in the exercise of his powers or functions, under this Act should be divulged, divulge that information to such person as the Minister or the Secretary specifies;
- 10 (b) divulge any such information to a prescribed authority or person; or
- (c) divulge any such information to a person who, in the opinion of Secretary, is expressly or impliedly authorized by the person to whom the information relates to receive it.

15 (5) An authority or person to whom information is divulged under sub-section (4), and a person or employee under the control of that authority or person, is, in respect of that information, subject to the same rights, privileges, obligations and liabilities under sub-sections (2) and (3) as if he were an officer performing duties under this Act and had acquired the information in the performance of those duties.

20 (6) In this section—

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

25 “produce” includes permit access to and “production” has a corresponding meaning.

104. (1) If—

- (a) having regard to the provisions of this Act and to any information in the possession of, or to any circumstances known to, the Secretary; or
- 30 (b) by reason of the failure or omission of a beneficiary to comply with a provision of this Act,

35 the Secretary considers that a benefit should be cancelled or suspended or that the rate of a benefit is greater or less than it should be, the Secretary may cancel or suspend the benefit or reduce or increase the rate of the benefit.

(2) A beneficiary may make an application to the Secretary for a determination that his incapacity, whether total or partial, is permanent and, if the Secretary determines that the incapacity is permanent—

- 40 (a) the rate of benefit payable to the beneficiary shall not at any time be reduced by reason only that the percentage of the beneficiary's incapacity has decreased; and
- (b) the benefit shall not be cancelled on the ground that the incapacity has come to an end.

Review  
of benefits.

(3) The Secretary may, on application, as prescribed, by a beneficiary, review any matter in connexion with a benefit and make such determination as, subject to this Act, he considers to be appropriate.

Appeals  
from deter-  
minations.

**105.** (1) Before making a determination under this Act in respect of any matter in connexion with a benefit, not being a decision on a claim under Part VII, the Secretary shall inform the beneficiary, in writing, of the determination that it is proposed to make.

(2) Sub-section 66 (3) and sections 67 and 68 apply, *mutatis mutandis*, in relation to the proposed determinations as though it were a decision on a claim under Part VII.

Supply of  
information  
concerning  
deter-  
minations.

**106.** If an applicant or beneficiary so requests, the Secretary shall make available to him all the information by reference to which the Secretary made a proposed determination or a determination on his claim or affecting his benefit.

Return of  
beneficiaries  
to Australia.

**107.** Where a benefit is payable to a person outside Australia, the Secretary may arrange for the return of that person, and of any member of his family, to Australia at the expense of Australia.

Offences.

**108.** (1) A person shall not, with fraudulent intent—

(a) make, whether orally or in writing, a false or misleading statement—

(i) in connexion with, or in support of, a claim, whether for himself or for another person;

(ii) to deceive an officer doing duty in relation to this Act; or

(iii) to affect the rate of a benefit;

(b) obtain payment of a benefit, or of an instalment of a benefit, that is not payable;

(c) obtain payment of a benefit, or of an instalment of a benefit, by means of a false or misleading statement, impersonation or a fraudulent device; or

(d) make or present to an officer a statement or document that is false or misleading in a particular.

Penalty: \$1,000 or imprisonment for 6 months.

(2) Charges against the same person for any number of offences against sub-section (1) may be joined in one complaint, information or declaration if those charges are founded on the same facts or form, or are part of, a series of offences of the same or a similar character.

(3) Where 2 or more such charges are included in the same complaint, information or declaration, particulars of each offence charged shall be set out in a separate paragraph.

(4) All charges so joined shall be tried together unless the court deems it just that any charge should be tried separately and makes an order to that effect.

(5) If a person is convicted of more than 1 offence against sub-section (1), the court may, if it thinks fit, inflict 1 penalty in respect of all offences of which he has been convicted but that penalty shall not exceed the sum of the maximum penalties that could be imposed if 5 penalties were imposed for each offence separately.

(6) Where a person is convicted of an offence against sub-section (1), the court may, in addition to imposing a penalty in respect of the offence, order him to pay to Australia an amount equal to any amount paid by way of benefit in consequence of the act, failure or omission in respect of 10 which he was convicted.

(7) For the purposes of sub-section (6), a certificate under the hand of an officer that an amount specified in the certificate is the amount that has been paid to a person specified in the certificate by way of benefit in consequence of an act, failure or omission specified in the certificate is 15 *prima facie* evidence of the matters specified in the certificate.

109. (1) Proceedings for an offence against this Act may be commenced at any time within 3 years after the commission of the offence. Prosecutions for offences.

(2) An offence against this Act shall not be prosecuted without the written consent of the Minister, the Secretary or a person authorized in 20 writing by the Secretary to consent to prosecutions for offences against this Act.

110. Where, in consequence of a failure or omission to comply with a provision of this Act, an amount has been paid by way of benefit that would not otherwise have been paid, the amount so paid is recoverable in 25 a court of competent jurisdiction from the person to whom, or on whose account, the amount was paid, or from the estate of that person, as a debt due to Australia. Recovery of over-payments.

111. The Secretary may, by writing served by post on a person whom he believes to be in a position to do so, require that person to furnish to 30 the Secretary a confidential report relating to a matter, being a matter that might affect the grant or payment of a benefit, and the person so required shall not fail to furnish a report accordingly within 14 days after the writing is served upon him and shall not furnish a report that is false or misleading in a particular. Information as to benefits.

35 Penalty: \$200.

112. Nothing in the law of a State or internal Territory operates so as to prevent a person from furnishing information or a report, or making 40 any books, documents or papers available, to the Secretary or an Appeal Tribunal for the purposes of this Act. Indemnity to certain persons.

113. Subject to this Act, a benefit is absolutely inalienable, whether 40 by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise. Benefits to be absolutely inalienable.

Payment of  
benefits to  
other  
persons.

114. (1) Where the Secretary considers that payment of the whole or a part of a benefit should be paid to a person on behalf of the beneficiary, the Secretary may determine that payment shall be made accordingly.

(2) Where the Secretary determines that the whole or a portion of a benefit payable to a beneficiary who has not attained the qualifying age should be paid to another person, that other person shall apply the moneys so paid to him for the maintenance, training or advancement of the beneficiary.

Payment  
of benefits  
where  
beneficiary  
imprisoned,  
&c.

115. (1) If a beneficiary—

- (a) becomes imprisoned following upon his conviction for an offence; or
- (b) becomes an inmate of a hospital, nursing home or benevolent institution,

the Secretary may—

- (c) suspend, postpone or cancel the whole or a portion of any payment of benefit falling due while the beneficiary remains imprisoned or an inmate of the hospital, nursing home or benevolent institution; or
- (d) pay the whole or a portion of a benefit to a person who is or has been dependent on the beneficiary.

(2) The application of this Act extends to and in relation to incapacity occurring to a person while he is imprisoned or an inmate of a hospital, nursing home or benevolent institution but benefit is not payable in respect of that incapacity in respect of any period during which the person is imprisoned.

(3) In deciding whether to take action under sub-section (1), the Secretary shall have regard to all the circumstances, including, in the case of a beneficiary being an inmate of a hospital, nursing home or benevolent institution—

- (a) the extent to which the beneficiary is entitled to payment of a benefit under a law of Australia relating to hospital benefits; and
- (b) whether the charges made to inmates of the hospital, nursing home or benevolent institution are reduced by reason of grants made to the hospital, nursing home or benevolent institution by Australia or a State.

(4) Before taking action under sub-section (1), the Secretary shall inform the beneficiary, or some appropriate person on behalf of the beneficiary, in writing, of the decision that it is proposed to make.

(5) Sub-section 66 (3) and sections 67 and 68 apply, *mutatis mutandis*, in relation to a proposed decision under this section as though it were a decision on a claim under Part VII.

116. Where a reference is made in a provision of this Act to a person being in receipt of a benefit, or to a benefit being paid, or payable to, a person, the operation of that provision is not, unless the contrary intention appears, affected by the operation of sub-section 114 (1) or 5 sub-section 115 (1) or (2).

References to payment of benefits.

117. The Secretary may suspend, postpone or cancel payment of a benefit being paid to an incapacitated person where that person—

Cancellation, &c., of benefit in certain cases.

- 10 (a) refuses or fails, when so required, to furnish to the Secretary the certificate of a medical practitioner as to such matters, and containing such information, as the Secretary requires;
- (b) refuses or fails, when so required by the Secretary, to submit himself for examination by a medical practitioner specified by the Secretary for the purpose; or
- 15 (c) refuses or fails to take action that the Secretary considers it reasonable for him to take in order to terminate, or to reduce the extent of, his incapacity.

118. (1) An amount of benefit that has accrued and is unpaid at the date of death of a beneficiary, or that would have been payable to an applicant for a benefit if the applicant had not died, may, on application 20 made within 6 months after the date of death, or within such further period as the Secretary, whether before or after the expiration of the first-mentioned period, allows, be paid to the person whom the Secretary determines to be best entitled to receive it.

Payment of benefit on death of beneficiary.

25 (2) Australia is not liable to make any further or other payment in respect of benefit so paid.

119. Benefits are payable out of moneys from time to time appropriated by the Parliament for the purpose.

Benefits to be payable out of moneys appropriated by the Parliament.

120. (1) The Secretary shall, not later than 31 October in each year, furnish to the Minister a report on the operation of this Act during the 30 year ending on the last preceding 30 June.

Annual report.

(2) The Minister shall cause a copy of each such report to be laid before each House of the Parliament within 15 sitting days of that House after the date of the receipt of the report by the Minister.

121. The Governor-General may make regulations, not inconsistent 35 with this Act, prescribing all matters that are by this Act required or permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of \$200, or imprisonment for a period not exceeding 6 months, for offences against the regulations.

Regulations.

## SCHEDULE

## Section 8

## ACCIDENTS, POISONINGS AND VIOLENCE (EXTERNAL CAUSE)

1. In this Schedule, "NOS" means "Not otherwise or elsewhere specified in this Schedule".

2. The following paragraphs have effect for the purpose of interpreting so much of this Schedule as relates to transport accidents.

3. A transport accident (E800-E845 in the International Classification) is an accident involving a device designed primarily for, or being used at the time primarily for, conveying persons or goods from one place to another.

It includes: accidents involving:

- aircraft (E840-E845)
- watercraft (E830-E838)
- motor vehicles (E810-E823)
- other road vehicles (E825-E827)
- railways (E800-E807)

4. A railway accident is a transport accident involving a railway train or other railway vehicle operating on rails, whether in motion or not.

5. A railway train or railway vehicle is a device, with or without cars coupled thereto, designed for traffic upon a railway.

It includes: railway train:

- any power (steam) (electric) (diesel) (other)
- subterranean, elevated
- monorail, two-rail
- funicular

interurban:

- electric car
  - street car
- } (operated chiefly on its own permanent way, not open to other traffic)

other vehicle designed to run on a railway track

6. A railway or railroad is a permanent way designed for traffic on rails that is used in transporting passengers, freight or other rolling stock and is not open to other public vehicular traffic.

7. A motor vehicle accident is a transport accident involving a motor vehicle.

8. A motor vehicle traffic accident is a motor vehicle accident occurring on a public highway (originating, terminating or involving vehicle partially on highway).

9. A motor vehicle non-traffic accident is a motor vehicle accident that occurs entirely in a place other than a public highway.

10. A public highway, trafficway or street is the entire width between property lines (or other boundary lines) of a way or place of which any part is open to the use of the public for purposes of vehicular traffic as a matter of right or custom. A roadway is that part of the public highway designed, improved and ordinarily used for vehicular travel.

It includes: approaches (public) to:

- docks
- public buildings
- stations

11. A motor vehicle is a mechanically or electrically powered device, not operated on rails, upon which or by which a person or property may be transported or drawn upon a highway. An object such as a trailer, coaster, sled or wagon being towed by a motor vehicle is considered a part of the motor vehicle.

## SCHEDULE—continued

It includes: automobile (any type)

bus  
 construction machinery, farm and industrial machinery, steam roller, tractor,  
 army tank, highway grader or similar vehicle on wheels or treads, while in  
 transport under own power  
 fire engine, motorised  
 motorcycle  
 motorised bicycle or scooter  
 trolley bus not operating on rails  
 truck  
 van

12. A motorcycle is a two-wheeled motor vehicle having one or two riding saddles with or without a third wheel for the support of a side-car. A side-car is considered a part of the motorcycle.

It includes: motorised:

bicycle  
 scooter  
 tricycle

13. A driver of motor vehicle is the occupant of the motor vehicle operating it or intending to operate it. Other authorized occupants of a motor vehicle are passengers.

14. Other road vehicle is a device, except motor vehicle, in, upon or by which a person or property may be transported upon a highway.

It includes: animal carrying a person  
 animal-drawn vehicle (any kind)  
 animal harnessed to conveyance  
 bicycle (pedal cycle)  
 street car  
 tricycle

15. A street car is a device designed and used primarily for transporting persons within a local area, running on rails, and operated principally on permanent way that forms part of the traffic way.

It includes: interurban electric or street car, when operating on a street or public highway  
 tram (car)  
 trolley (car)

16. A pedal cycle is a road transport vehicle operated solely by pedals.

It includes: bicycle  
 pedal cycle  
 tricycle

17. A pedal cyclist is a person riding on a pedal cycle or in an attached side-car.

18. A pedestrian is a person involved in an accident who was not at the time of the accident riding in or on a motor vehicle, railroad train, street car or animal-drawn or other vehicle or on a bicycle or animal.

It includes: person:  
 on foot  
 in or operating a pedestrian conveyance  
 changing tyre of vehicle  
 making adjustment to motor of vehicle

19. A pedestrian conveyance is a human powered device by which a pedestrian may move otherwise than by walking or by which a walking person may move another pedestrian.

It includes: baby carriage  
 coaster wagon  
 ice skates  
 perambulator  
 pushcart  
 roller skates  
 scooter  
 skis  
 sled  
 wheel chair

20. A watercraft is a device for transporting passengers or goods on the water.

SCHEDULE—*continued*

21. A small boat is a watercraft propelled by paddle, oars or small motor, with a passenger capacity of less than 10.

It includes: boat NOS  
 canoe  
 coble  
 dinghy  
 punt  
 raft

rowing boat  
 rowing shell  
 scull  
 skiff  
 small motorboat

22. An aircraft is a device for transporting passengers or goods in the air.

It includes: aeroplane (any type)  
 balloon  
 bomber  
 dirigible

glider  
 military aircraft  
 parachute

23. A commercial transport aircraft is a device for collective passenger or freight transportation by air, including transportation by government authorities, but does not include military craft.

Column 1	Column 2	Column 3												
Item No.	International Classification Number	Particulars of Cause of Injury												
PART I—RAILWAY ACCIDENTS														
1	E800	Railway accident involving collision with rolling stock Includes: collision between railway trains or railway vehicles, any kind collision NOS derailment with antecedent collision												
2	E801	Railway accident involving collision with other object Includes: collision of railway train (vehicle) with: <table style="margin-left: 40px; border: none;"> <tr> <td>buffers</td> <td>landslide on railway</td> </tr> <tr> <td>fallen tree on railway</td> <td>platform</td> </tr> <tr> <td>farm machinery (non-motor) in transport or stationary</td> <td>rock on railway</td> </tr> <tr> <td>gates</td> <td>streetcar</td> </tr> <tr> <td></td> <td>other non-motor vehicle</td> </tr> <tr> <td></td> <td>any other object</td> </tr> </table>	buffers	landslide on railway	fallen tree on railway	platform	farm machinery (non-motor) in transport or stationary	rock on railway	gates	streetcar		other non-motor vehicle		any other object
buffers	landslide on railway													
fallen tree on railway	platform													
farm machinery (non-motor) in transport or stationary	rock on railway													
gates	streetcar													
	other non-motor vehicle													
	any other object													
3	E802	Railway accident involving derailment without antecedent collision Includes: derailment, any, except with antecedent collision or explosion overturning of railway train (vehicle) running off railway												
4	E803	Railway accident involving explosion, fire, burning Includes: explosion of locomotive boiler burns from locomotive fire on train												
5	E804	Fall in, on, or from train Includes: fall without collision, derailment, explosion fall while alighting from or boarding railway train												
6	E805	Hit by rolling stock Includes: crushed injured killed knocked down												
		} by railway train or a part of it												
7	E806	Other railway accident Includes: hit by object falling in or from railway train injured by door or window on railway train railway train hit by: <table style="margin-left: 40px; border: none;"> <tr> <td>avalanche</td> </tr> <tr> <td>falling:</td> </tr> <tr> <td>  earth</td> </tr> <tr> <td>  rock</td> </tr> <tr> <td>  tree</td> </tr> <tr> <td>  other object</td> </tr> <tr> <td>landslide</td> </tr> </table>	avalanche	falling:	earth	rock	tree	other object	landslide					
avalanche														
falling:														
earth														
rock														
tree														
other object														
landslide														

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
8	E807	<b>Railway accident of unspecified nature</b> Includes: railway accident NOS
PART II—MOTOR VEHICLE TRAFFIC ACCIDENTS		
9	E810	<b>Motor vehicle traffic accident involving collision with train</b> Includes: collision between motor vehicle and railway train or railway vehicle, any kind
10	E811	<b>Motor vehicle traffic accident involving collision with street car</b>
11	E812	<b>Motor vehicle traffic accident involving collision with another motor vehicle</b> Includes: motor vehicle collision NOS
12	E813	<b>Motor vehicle traffic accident involving collision with other vehicle</b> Includes: collision between motor vehicles, any kind, and other road (non-motor transport) vehicle, such as: animal carrying a person animal-drawn vehicle pedal cycle tricycle
13	E814	<b>Motor vehicle traffic accident involving collision with pedestrian</b> Includes: collision between pedestrian or person using pedestrian conveyance and motor vehicle, any type pedestrian, dragged, hit, or run over by motor vehicle, any kind
14	E815	<b>Other motor vehicle traffic accident involving collision</b> Includes: collision between motor vehicle, any kind, with: animal (herded) (unattended) fallen stone or tree landslide object fixed, movable, moving } on the highway
15	E816	<b>Non-collision motor vehicle traffic accident due to loss of control</b> Includes: motor vehicle: running off roadway overturning } without antecedent collision
16	E817	<b>Non-collision motor vehicle traffic accident, while boarding or alighting</b> Includes: fall down stairs of motor bus fall from car in street injured by moving part of the vehicle trapped by door of motor vehicle } while boarding or alighting
17	E818	<b>Other non-collision motor vehicle traffic accident</b> Includes: accidental poisoning from carbon monoxide generated by breakage of any part of explosion of any part of fall, jump or being pushed from hit by being thrown against some part of, or object in fire, starting in injury from moving part of object falling from, or in object thrown towards or on object falling on hit by an object thrown into or towards } motor vehicle, while in motion

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
18	E819	<b>Other motor vehicle traffic accident</b> Includes: motor vehicle traffic accident NOS traffic accident NOS
PART III—MOTOR VEHICLE NON-TRAFFIC ACCIDENTS		
19	E820	<b>Motor vehicle non-traffic accident involving collision with moving object</b> Includes: collision, not on public highway, between motor vehicle and: other motor vehicle                      pedestrian non-motor vehicle                      other moving object animal
20	E821	<b>Motor vehicle non-traffic accident involving collision with stationary object</b> Includes: collision, not on public highway, between motor vehicle and any object, fixed, movable but not in motion
21	E822	<b>Motor vehicle non-traffic accident while boarding or alighting</b> Includes: fall while entering or leaving a motor vehicle, not on public highway injury from moving part of } while boarding or alighting, not motor vehicle } on public highway trapped by door of motor } vehicle }
22	E823	<b>Other motor vehicle non-traffic accident</b> Includes: accidental poisoning from } carbon monoxide generated } by } breakage of any part of } explosion of any part of } fall or jump from } hit by, being thrown against } some part of, or object in } hit by an object thrown into } or towards } fire starting in } injury from moving part of } object: } falling from, in, on } thrown towards or on } motor vehicle non-traffic } accident NOS }
PART IV—OTHER ROAD VEHICLE ACCIDENTS		
23	E825	<b>Street car accident</b> Includes: accident while alighting from or boarding street car collision between street car and: animal any object, fixed, moving, movable, except when set in motion by motor vehicle, railway train or aircraft non-motor road vehicle pedestrian another street car derailment of street car fall in, on or from street car fire on street car

## SCHEDULE—continued

Column 1	Column 2	Column 3
Item No.	International Classification Number	Particulars of Cause of Injury
		injured by: door of object falling on, from any part of street car accident NOS <span style="float: right; font-size: 2em;">}</span> street car
		<i>Pedestrian</i> <i>Pedal cyclist</i> <i>Occupant of street car</i> <i>Other person</i> Includes: occupant of non-motor road vehicle rider of animal
24	E826	<b>Pedal cycle accident</b> Includes: breakage of any part of pedal cycle collision between pedal cycle and: animal another pedal cycle non-motor road vehicle, except street car pedestrian other object, fixed, movable, moving, not set in motion by motor vehicle, railway or aircraft entanglement in wheel of pedal cycle fall from bicycle or other pedal cycle hit by an object falling, thrown, on the bicycle pedal cycle overturned pedal cycle accident NOS  <i>Pedestrian</i> <i>Pedal cyclist</i> <i>Other person</i> Includes: occupant of non-motor road vehicle, except street car or pedal cycle rider of animal
25	E827	<b>Other non-motor road vehicle accident</b> Includes: blow from object in breakage of any part of collision between a road vehicle, other than motor vehicle, pedal cycle or street car, and: animal animal-drawn vehicle other non-motor road vehicle, except street car or pedal cycle any fixed, movable, moving object, except when set in motion by motor vehicle, aircraft, railway train, street car, pedal cycle pedestrian fall from vehicle vehicle overturned  <i>Pedestrian</i> <i>Other person</i> Includes: occupant of non-motor road vehicle, except street car or pedal cycle rider of animal <span style="float: right; font-size: 2em;">}</span> vehicle
26	E830	<b>PART V—WATER TRANSPORT ACCIDENTS</b> <b>Accident to watercraft causing submersion</b> Includes: submersion and drowning due to: boat overturning boat submerged falling or jumping from burning ship

## SCHEDULE—continued

Column 1	Column 2	Column 3
Item No.	International Classification Number	Particulars of Cause of Injury
		falling or jumping from crushed watercraft ship sinking any accident to watercraft
27	E831	<b>Accident to watercraft causing other injury</b> Includes: any injury except submersion and drowning as a result of an accident to watercraft burned while ship on fire crushed between ships after collision crushed by lifeboat after abandoning ship fall due to collision or other accident to watercraft hit by an object falling due to accident to watercraft injured in watercraft accident involving collision struck by boat or part of boat, after fall or jump from damaged boat
28	E832	<b>Other accidental submersion or drowning in water transport</b> Includes: submersion or drowning as a result of an accident other than accident to the watercraft fall into water: from gangplank from ship overboard thrown overboard by motion of ship washed overboard
29	E833	<b>Fall on stairs or ladders in water transport</b> Includes: fall from or on, slipped on: ladder of ship stairs of ship
30	E834	<b>Other fall from one level to another in water transport</b> Includes: fall from: bunk elevation aboard ship gangplank to deck or dock hammock on ship fall from: one deck to another rigging fall: into hold through hatch
31	E835	<b>Other fall in water transport</b> Includes: fall on: same level deck gangplank ship, NOS slipped on wet or oily deck fractures NOS occurring in water transport
32	E836	<b>Machinery accident in water transport</b> Includes: injuries in water transport caused by machinery: deck engine room galley laundry loading
33	E837	<b>Explosion, fire, burning, in water transport</b> Includes: explosion of boiler on steamship fire on ship
34	E838	<b>Other water transport accident</b> Includes: accidental poisoning by gases or fumes on ship crushed between ships without accident to watercraft crushed by falling object on ship or while loading or unloading

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
		excessive heat in: boiler room engine room evaporator room fire room struck by boat or part of boat after fall from boat hit while water ski-ing (collision between water skier and boat) watercraft accident NOS
<b>PART VI—AIR AND SPACE TRANSPORT ACCIDENTS</b>		
35	E840	<b>Accident to powered aircraft while taking-off or landing</b> Includes: collision of aircraft with an object, fixed, moving, movable crash fire on aircraft forced landing
		} while taking off or landing
36	E841	<b>Other accident to powered aircraft</b> Includes: any accident to powered aircraft while in transit or in taking-off or landing collision of aircraft with any object while in transit aircraft accident NOS aircraft crash or wreck NOS explosion on aircraft while in transit fire on aircraft while in transit
37	E842	<b>Accident to unpowered aircraft</b> Includes: any accident to: balloon glider
38	E843	<b>Fall in, on or from aircraft</b> Includes: fall in, on, or from aircraft (any kind), while in transit, taking off or landing, except when as a result of an accident to aircraft accident in boarding or alighting from aircraft, any kind
39	E844	<b>Other air transport accidents</b> Includes: hit by: aircraft object falling from aircraft injury: by machinery on aircraft rotating propeller involuntary parachute descent sucked into jet poisoning by carbon mon- oxide from aircraft while in transit
		} without accident to aircraft
40	E845	<b>Accident involving spacecraft</b> Includes: any accident involving spacecraft flight launching pad accident

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
<b>PART VII—ACCIDENTAL POISONING BY DRUGS AND MEDICAMENTS</b>		
This Part includes: accidental overdose of drug and wrong drug given in error contact dermatitis due to drugs and medicaments		
41	E850	<b>By antibiotics and other anti-infectives</b> <i>Penicillin, any</i> <i>Antifungal antibiotics</i> <i>Chloramphenicol</i> <i>Erythromycins, streptomycins, tetracyclines</i> <i>Sulphonamides</i> <i>Arsenic anti-infectives</i> <i>Silver and its compounds</i> <i>Quinoline and hydroxyquinoline derivatives</i> <i>Other</i>
42	E851	<b>By hormones and synthetic substitutes</b> <i>Adrenals</i> <i>Androgens and anabolic congeners</i> <i>Oestrogens</i> <i>Insulins and antidiabetic agents</i> <i>Anterior pituitary extracts</i> <i>Posterior pituitary extracts</i> <i>Progestogens</i> <i>Thyroid and thyroid derivatives</i> <i>Antithyroid agents</i> <i>Other</i>
43	E852	<b>By primarily systemic and haematologic agents</b> <i>Antihistamine and anti-emetic drugs</i> <i>Antineoplastic agents</i> <i>Other electrolytic, caloric and water balance agents</i> <i>Vitamins</i> <i>Other primarily systemic agents</i> <i>Iron and its compounds</i> <i>Anticoagulants</i> <i>Vitamin K products</i> <i>Other coagulants</i> <i>Other primarily haematologic agents</i>
44	E853	<b>By analgesics and antipyretics</b> <i>Opiates and synthetic analogues</i> <i>Salicylates and congeners</i> <i>Cinchopen and congeners</i> <i>Colchicine</i> <i>Aniline derivatives</i> <i>Other coal tar derivatives</i> <i>Other</i>
45	E854	<b>By other sedatives and hypnotics</b> <i>Barbiturates</i> <i>Chloral hydrate</i> <i>Paraldehyde</i> <i>Bromides</i> <i>Other</i>
46	E855	<b>By autonomic nervous system and psycho-therapeutic drugs</b> <i>Antidepressants</i> <i>Tranquillisers</i> <i>Other psychotherapeutic agents</i> <i>Parasympathomimetics (cholinergics)</i> <i>Parasympatholytics (anticholinergics)</i> <i>Sympathomimetics (adrenergics)</i> <i>Autonomic nervous system relaxants</i> <i>Other</i>

## SCHEDULE 1—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
47	E856	<b>By other central nervous system depressants and stimulants</b> <i>Anticonvulsants</i> <i>Skeletal muscle relaxants</i> <i>Anaesthetic gases</i> <i>Other CNS depressants</i> <i>Amphetamine</i> <i>Other CNS stimulants</i> <i>Other</i>
48	E857	<b>By cardiovascular drugs</b> <i>Cardiac depressants</i> <i>Cardiac tonics</i> <i>Cholesterol lowering agents</i> <i>Ganglionic blocking agents</i> <i>Vasodilators</i> <i>Other hypotensive agents</i> <i>Sclerosing agents</i> <i>Other</i>
49	E858	<b>By gastro-intestinal drugs</b> <i>Antacids and antidiarrhoea agents</i> <i>Intestinal irritant cathartics</i> <i>Emollient cathartics</i> <i>Saline cathartics</i> <i>Faecal softeners</i> <i>Other cathartics</i> <i>Emetics</i> <i>Other</i>
50	E859	<b>By other drugs and medicaments</b> <i>Local anaesthetics</i> <i>Mercurial diuretics</i> <i>Xanthine derivatives</i> <i>Other diuretics</i> <i>Agents acting directly on musculoskeletal system</i> <i>Liniments</i> <i>Ointments</i> <i>Other medicaments for external use</i> <i>Other drugs</i>

## PART VIII—ACCIDENTAL POISONING BY OTHER SOLID AND LIQUID SUBSTANCES

This Part includes contact dermatitis due to:

detergents  
oil and greases  
solvents  
other chemicals

51	E860	<b>By alcohol</b> Includes: alcohol denatured ethyl grain industrial methyl wood	fusel oil (any, such as amyl, butyl, propyl) methanol methylated spirit
52	E861	<b>By cleansing and polishing agents</b> Includes: motor vehicle wax carbon tetrachloride polish: porcelain metal silver floor	shampoo soap powder product, any synthetic detergents

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury	
53	E862	<b>By disinfectants</b> Includes: household disinfectants not ordinarily used on person ammonium compounds chlorine releasing agents cresol (compounds) formalin pine oil	
54	E863	<b>By paints and varnishes</b> Includes: lacquers oil colours paints, other than lead paints whitewashes	
55	E864	<b>By petroleum products and other solvents</b> Includes: acetone benzene carbon disulphide kerosene mineral spirit naphtha petrol petroleum solvent (industrial) tetrachlorethylene toluene turpentine white spirit	
56	E865	<b>By pesticides, fertilisers or plant foods</b> Includes: bone meal dried blood fungicides guano herbicides insecticides proprietary fertilisers rodenticides	
57	E866	<b>By heavy metals and their fumes</b> Includes: antimony (compounds) (vapours) arsenic (compounds) (vapours) lead (compounds) (paint) (vapours) mercury (compounds) (vapours)	} from all sources, except medicines or pesticides
58	E867	<b>By corrosives and caustics, NOS</b> Includes: acid, any alkalis (caustic) caustic NOS corrosive aromatics carbolic acid (phenol) oxidising and reducing agents lye any non-medical substances with a highly destructive local action	
59	E868	<b>By noxious foodstuffs and poisonous plants</b> Includes: deadly nightshade hemlock fish, noxious fungi, noxious laburnum seed mushroom, noxious poisonous berries shellfish, noxious toadstool	
60	E869	<b>By other solid and liquid substances</b> Includes: bleaches cosmetics glues and adhesives preservatives stains dust	
<b>PART IX—ACCIDENTAL POISONING BY GASES AND VAPOURS</b>			
61	E870	<b>By gas distributed by pipe-line</b> Includes: coal gas NOS liquefied petroleum gas distributed through pipes (pure or mixed with air) piped gas (natural) (manufactured) utility gas NOS carbon monoxide from incomplete combustion of piped gas	
62	E871	<b>By liquefied petroleum gas distributed in mobile containers</b> Includes: butane propane other liquefied hydrocarbons distributed in containers carbon monoxide from incomplete combustion of gases specified in this item	

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
63	E872	By other utility gas Includes: acetylene water gas other gases used for lighting, heating, cooking
64	E873	By motor vehicle exhaust gas Includes: exhaust gas from: farm tractor, not in transit gas engine motor pump motor vehicle, not in transit any type of combustion engine not in watercraft
65	E874	By carbon monoxide from incomplete combustion of domestic fuels Includes: carbon monoxide from incomplete combustion of: coal coke kerosene wood } in domestic stoves, fireplaces  Excludes: carbon monoxide poisoning by smoke and fumes due to conflagration (E890-E893)
66	E875	By other carbon monoxide Includes: carbon monoxide from: blast furnace gas kiln vapour incomplete combustion of fuels in industrial use
67	E876	By other gases and vapours Includes: ammonia carbon dioxide carbon tetrachloride (vapour) chlorine gas chloroform (vapour) except when used as anaesthetic cyanide gas cyanogen chloride dicyanogen gas ether (vapour) except when used as anaesthetic hydrocyanic acid gas
68	E877	By unspecified gases and vapours Includes: accidental poisoning by gases, fumes and vapours NOS
PART X—ACCIDENTAL FALLS		
69	E880	Fall on or from stairs or steps Includes: fall on, from: escalator staircase
70	E881	Fall on or from ladder or scaffolding Includes: stepladder
71	E882	Fall from or out of building or other structure Includes: fall from: balcony bridge building flagpole jetty pier fall from: tower turret viaduct wall wharf window
72	E883	Fall into hole or other opening in surface Includes: fall into: cavity dock hole pit fall into: quarry shaft tank well

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
73	E884	<b>Other fall from one level to another</b> Includes: fall from: bed chair cliff embankment furniture
		fall from: haystack stationary vehicle table tree
74	E885	<b>Fall on same level from slipping, tripping or stumbling</b> Includes: slipping on: ice mud oil snow
		stumbling, tripping over: carpet kerb rug small object
75	E886	<b>Fall on same level from collision, pushing or shoving by or with other person</b> Includes: tackles in sport
76	E887	<b>Other fall</b> Includes: accidental fall NOS fall on same level NOS
PART XI—ACCIDENTS CAUSED BY FIRES AND FLAMES		
This Part includes: asphyxia or poisoning due to conflagration or ignition burning by fire		
77	E890	<b>By conflagration in private dwelling</b> Includes: conflagration in: apartment boarding house camping-place caravan house lodging house tenement
		collapse of fall from hit by object falling from jump from
		} burning private building
78	E891	<b>By conflagration in other building or structure</b> Includes: conflagration in: church convalescent and other residential home dormitory of educa- tional institution factory hospital hostel hotel
		conflagration in: motel school store theatre collapse of fall from hit by object falling from jump from
		} burning building or structure
79	E892	<b>By conflagration not in building or structure</b> Includes: fire (uncontrolled) (of) (in): forest grass bush hay lumber mine transport vehicle (any), except while in transit, alighting or boarding tunnel

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
80	E893	By ignition of clothing Includes: clothes pyjamas nightdress } catching fire, without conflagration
81	E894	By ignition of highly inflammable material Includes: benzene kerosene Excludes: explosive material (E923) matches (box or packet) petrol
82	E895	By controlled fire in private dwelling Includes: burns from normal fires, stoves, furnaces (coal, charcoal, electricity, gas, wood) in private dwelling (as specified in item 77)
83	E896	By controlled fire in other building or structure Includes: burns from normal fires, stoves, furnaces (coal, charcoal, electricity, gas, wood) in other building or structure (as specified in item 78)
84	E897	By controlled fire not in building or structure Includes: controlled barbecue bonfire brazier controlled rubbish fire
85	E898 E899	By other fires or flames Includes: burns from: blowlamp burning bedclothes cigarettes cigars lighters matches pipes welding torch
PART XII—ACCIDENTS DUE TO NATURAL AND ENVIRONMENTAL FACTORS		
86	E900	Excessive heat Includes: effects of: heat generated in transport vehicles hot places hot weather insulation
87	E901	Excessive cold Includes: exhaustion from cold exposure to cold freezing
88	E902	High and low air pressure Includes: aero-otitis media aerosinusitis air embolism (any site), traumatic alpine sickness Andes disease anoxia due to high altitude aviators disease barotrauma (otitic) (sinus) bends caisson disease divers: palsy paralysis hypobaropathy mountain sickness
89	E903	Effects of travel and motion Includes: air sickness car sickness seasickness travel sickness

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury	
90	E904	Hunger, thirst, exposure and neglect Includes: deprivation of food or water desertion of newborn destitution exposure (to weather conditions, except excessive heat and cold)	inaction from hunger or thirst inattention at or after birth insufficient nourishment lack of care of infants privation starvation
91	E905	Bites and stings of venomous animals and insects Includes: bite by: centipede sea animal, venomous snake spider	sting of: bee insect scorpion wasp venomous bite, sting
92	E906	Other accidents caused by animals Includes: bite by animal (any other than arthropod)  fallen on by horse or other animal gored	injured kicked stepped on rat bite run over by horse or other animal } by animal
93	E907	Lightning Includes: lightning shock, stroke	struck by lightning thunderbolt
94	E908	Cataclysm Includes: any injury from: cloudburst cyclone earthquake flood hurricane	tidal wave tornado torrential rain volcanic eruption
95	E909	Accident due to other natural and environmental factors Includes: any injury (asphyxia, drowning, suffocation, submersion from: avalanche landslide injured by hailstones	
PART XIII—OTHER ACCIDENTS			
96	E910	Accidental drowning and submersion Includes: immersion <i>In recreational activities</i> Includes: fishing } except from hunting } boat ice skating playing in water	skin diving swimming wading (in water) water ski-ing
		<i>Other</i>	

SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury				
97	E911	<p><b>Inhalation and ingestion of food causing obstruction or suffocation</b></p> <p>Includes: asphyxia by:                    food (any type)                    vomitus                    choked on:                    fruit                    nut                    seed</p> <p>obstruction by food (any) (including regurgitated food) in larynx and other respiratory passages and digestive tract            suffocation by food, vomitus</p>				
98	E912	<p><b>Inhalation and ingestion of other object causing obstruction or suffocation</b></p> <p>Includes: asphyxia                    obstruction                    suffocation</p> <p>by } any object, except food, entering by                } nose or mouth                } mucus                } phlegm</p> <p>bean, kernel, nut, seed in nose            marble in nose            other foreign body in nose</p>				
99	E913	<p><b>Accidental mechanical suffocation</b></p> <p><i>In bed or cradle</i></p> <p>Includes: asphyxia                    smothered                    suffocation                    strangulation</p> <p>by, in:                } baby carriage                } bed                } bedclothes                } bib                } cot, cradle                } perambulator</p> <p><i>Other</i></p> <p>Includes: asphyxia or suffocation (by):                    cave-in                    external means NOS                    falling earth or other substance                    mechanical                    pressure</p> <p>injury by cave-in NOS            suffocation:                } NOS                } in refrigerator</p>				
100	E914	<p><b>Foreign body accidentally entering eye and adnexa</b></p> <p>Includes: entry of:                    dust                    solid substance                    oil                    non-corrosive liquid                    foreign body (any)</p> <p>into } conjunctival sac                } eye (any part)                } eyelid                } iris                } lacrimal apparatus                } ocular muscle                } orbit                } tear ducts, glands</p>				
101	E915	<p><b>Foreign body accidentally entering other orifice</b></p> <p>Includes: accidental entrance of foreign body, except food, into:</p> <table border="0"> <tr> <td data-bbox="494 1579 630 1780">           air passage            bronchi            larynx            lung            mouth            nasal passage            nose            pharynx            trachea         </td> <td data-bbox="646 1601 742 1758">           causing            injury,            without            obstruction or            suffocation         </td> <td data-bbox="758 1579 917 1792">           alimentary canal            bladder            digestive system            ear            intestines            oesophagus            rectum            stomach            uretha            vagina         </td> <td data-bbox="933 1646 1029 1736">           causing            injury or            obstruction         </td> </tr> </table>	air passage bronchi larynx lung mouth nasal passage nose pharynx trachea	causing injury, without obstruction or suffocation	alimentary canal bladder digestive system ear intestines oesophagus rectum stomach uretha vagina	causing injury or obstruction
air passage bronchi larynx lung mouth nasal passage nose pharynx trachea	causing injury, without obstruction or suffocation	alimentary canal bladder digestive system ear intestines oesophagus rectum stomach uretha vagina	causing injury or obstruction			

## SCHEDULE--continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
102	E916	<p><b>Struck accidentally by falling object</b>  Includes: cave-in collapse of building, except on fire  falling: earth object (any)</p> <p>falling:  rock  snow  stone  timber</p>
103	E917	<p><b>Striking against or struck accidentally by objects</b>  Includes: bumping into or against colliding with kicking against stepping on struck by</p> <p>object (moving) (projected)  (stationary)  person</p>
104	E918	<p><b>Caught accidentally in or between objects</b>  Includes: caught crushed jammed pinched</p> <p>in object  between:  moving objects  stationary and moving objects</p>
105	E919	<p><b>Over-exertion and strenuous movements</b>  Includes: exhaustion due to excessive exertion injury in bending, straining, twisting over-exertion in lifting, pulling, pushing</p>
106	E920	<p><b>Accident caused by cutting or piercing instruments</b>  Includes: fall on accidental injury by</p> <p>object:  edged  pointed  sharp</p> <p>accidental:  cut  puncture } any part of body</p> <p><i>Powered hand tools</i>  Includes: powered:  hand saw  hedge clipper  lawn mower</p> <p><i>Other hand tools</i>  Includes: axe  hand saw  hoe  garden fork  knife  mattock</p> <p>rake  screwdriver  scissors  shears  shovel  spade</p> <p><i>Other machinery</i>  Includes: circular saw  meat:  grinder  slicer</p> <p>metal-cutting machine</p> <p><i>Other</i>  Includes: broken glass  nails</p> <p>splinters  wood sliver</p>
107	E921	<p><b>Accident caused by explosion of pressure vessel</b>  Includes: accidental explosion of pressure vessels, whether or not part of machinery</p> <p><i>Boilers</i>  Includes: hot water heaters  water tanks  water or steam lines</p> <p><i>Gas cylinders</i>  Includes: air tanks  pressure gas tanks</p>

SCHEDULE—continued

Column 1	Column 2	Column 3
Item No.	International Classification Number	Particulars of Cause of Injury
		<p><i>Other</i> Includes: pressure cookers explosion of any other pressure vessel</p>
108	E922	<p>Accident caused by firearm missiles Includes: accidentally: injured by } bullet (automatic weapon) (pistol) (rifle) hit by } flare (Very pistol) shot (shotgun) gunshot wound NOS shot NOS</p>
		<p><i>Accidentally self-inflicted</i> <i>Other</i></p>
109	E923	<p>Accident caused by explosive material Includes: flash burns and other injuries resulting from explosion of explosive material</p> <p><i>Fireworks</i> <i>Blasting materials</i> Includes: blasting cap explosive (any) used in blasting detonator operations dynamite</p> <p><i>Explosive gases</i> Includes: acetylene explosion NOS in mine butane petrol fumes coal gas methane fire-damp propane</p> <p><i>Other</i> Includes: bomb explosion in: explosive missile grain store grenade munitions: mine dump shell factory torpedo</p>
110	E924	<p>Accident caused by hot substance, corrosive liquid or steam Includes: burning or scalding by: acid (any kind) boiling liquid corrosive substance heat from electric heating appliance hot objects molten metal steam, vapour vitriol</p>
111	E925	<p>Accident caused by electric current Includes: burn by electric current } from { exposed wire electric shock } faulty appliance electrocution } high-voltage cable open socket</p> <p><i>Home wiring and appliances</i> <i>Industrial wiring or appliances</i> <i>Other</i> Includes: wiring and appliances in or on: farm (not farmhouse) outdoors public buildings resident institutions schools burn by electric current NOS electric shock NOS electrocution NOS</p>

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
112	E926	<b>Accident caused by radiation</b> <i>Non-ionizing</i> Includes: infra-red lamp natural radiation ultra-violet lamp welding torch  <i>Ionizing</i> Includes: over-exposure to: isotopes radioactive substances radium X-rays
113	E927	<b>Vehicle accidents NOS</b> Includes: any accident NOS involving: cable car, not on rails coal car in mine elevator handtruck logging car self-propelled truck, industrial station baggage truck stationary motor vehicle, not on a public highway sled, snow-vehicle or ice-vehicle tram, truck or tub in mine or quarry vehicle used only on industrial premises wheel barrow
114	E928	<b>Machinery accidents NOS</b> Includes: any accident NOS involving: carpet sweeper cotton gin crane dairy equipment dish-washer dragline electric: blender fan juice extractor mixer heating equipment (electric, non- electric) elevator (grain) (mine) hay rake hoisting equipment lawn mower machine tool machinery (in) (on): construction drilling farm home machinery (in) (on): industrial mining quarry recreation road threshing mangle (electric) pile driver roller coaster saw mill sewing machine (electric) ski tow stationary engine steam: roller shovel tipping car tractor turbine turntable vacuum cleaner washing machine
115	E929	<b>Other accidents</b> Includes: accident NOS blow NOS casualty (not due to war) decapitation injury (any part of body, or unspecified) killed knocked down mangled wound <div style="float: right; margin-left: 20px;">             } accidentally inflicted but              } not elsewhere specified in              } this Schedule           </div>

## SCHEDULE—continued

Column 1	Column 2	Column 3
Item No.	International Classification Number	Particulars of Cause of Injury

## PART XIV—SURGICAL AND MEDICAL COMPLICATIONS AND MISADVENTURES

This Part includes complications resulting from medical and surgical procedures, such as:

anaphylactic shock  
 haemolysis  
 serum sickness  
 reaction  
 } in infusion and transfusion  
 burns resulting from administration of X-rays and radio-active substances  
 burns, scalds, resulting from local application of externally applied medicaments  
 contact dermatitis due to drugs and medicaments  
 delayed haemorrhage in surgical treatment  
 deprivation of oxygen in anaesthesia  
 infection or sepsis  
 overdose of anaesthetic  
 reactions (idiosyncratic) to drugs and biologicals  
 serum hepatitis with date of onset within 8 months after:  
 injection  
 transfusion of blood and blood products

- 116      E930    **In operative therapeutic procedures**  
*In surgical treatment, not being effects of anaesthetic management*  
*In anaesthesia during operative treatment*  
*In infusion or transfusion during operative treatment*  
*In other procedures during operative treatment*  
 Includes: administration of X-rays and radioactive substances  
 administration of drugs and biologicals
- 117      E931    **In other therapeutic procedures**  
*In use of X-rays and radioactive substances*  
*In administration of drugs and biologicals*  
*In infusion and transfusion*  
*In local applications*  
*In other therapeutic procedures*
- 118      E932    **In diagnostic procedures**  
*In surgical procedures, not being effects of anaesthetic management*  
*In anaesthesia*  
*In use of X-rays or radioactive substances*  
*In administration of drugs and biologicals*  
*In other diagnostic procedures*  
 Includes: blood-sampling  
 catheterisation
- 119      E933    **In prophylaxis with bacterial vaccines**  
*BCG vaccine*  
*Typhoid and paratyphoid vaccine*  
*Cholera vaccine*  
*Plague vaccine*  
*Tetanus vaccine*  
*Diphtheria vaccine*  
*Pertussis vaccine, including combinations with a pertussis component*  
*Other bacterial vaccines*  
*Mixed bacterial vaccines, not being combinations with a pertussis component*
- 120      E934    **In prophylaxis with other vaccines**  
*Smallpox vaccine*  
*Rabies vaccine*  
*Typhus vaccine*

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
		<i>Yellow fever vaccine</i> <i>Measles vaccine</i> <i>Poliomyelitis vaccine</i> <i>Other viral and rickettsial vaccines</i> <i>Mixed viral-rickettsial and bacterial vaccines, not being combinations with a pertussis component</i> <i>Other vaccines</i>
121	E935	<b>In other prophylactic procedures</b> Includes: prophylactic: appendectomy circumcision sterilisation other prophylactic procedure, except vaccination <i>In surgical procedures, not being effects of anaesthetic management</i> <i>In anaesthesia during prophylactic procedures</i> <i>In use of X-rays and radioactive substances</i> <i>In administration of drugs and biologicals</i> <i>In other procedures</i>
122	E936	<b>In other non-therapeutic procedures</b> Includes: procedures undertaken for aesthetic purpose ritual circumcision <i>In surgical procedures, not being effects of anaesthetic management</i> <i>In anaesthesia</i> <i>In other procedures</i> Includes: administration of X-rays and radioactive substances administration of drugs and biologicals
		<b>PART XV—LATE EFFECTS OF ACCIDENTAL INJURY</b>
123	E940	<b>Of motor vehicle accident</b> Includes: late effects of accidents specified in items 9–22
124	E941	<b>Of other transport accident</b> Includes: late effects of accidents specified in items 1–8, 23–40
125	E942	<b>Of accidental poisoning</b> Includes: late effects of accidents specified in items 41–68
126	E943	<b>Of accidental fall</b> Includes: late effects of accidents specified in items 69–76
127	E944	<b>Of accident caused by fire</b> Includes: late effects of accidents specified in items 77–85
128	E945	<b>Of accident due to natural and environmental factors</b> Includes: late effects of accidents specified in items 86–95
129	E946	<b>Of other accidents</b> Includes: late effects of accidents specified in items 96–115
130	E947	<b>Of surgical operation</b> Includes: late effects of complications and misadventures in surgical procedure specified in items 116, 118, 121, 122
131	E948	<b>Of irradiation</b> Includes: late effects of complications and misadventures resulting from irradiation specified in items 116, 118, 121, 122
132	E949	<b>Of other surgical and medical procedures</b> Includes: late effects of complications and misadventures specified in items 119, 120
		<b>PART XVI—SUICIDE AND SELF-INFLICTED INJURY</b>
		This Part includes injuries in: suicide and attempted suicide self-inflicted injuries, intentional
133	E950	<b>Suicide and self-inflicted poisoning by solid or liquid substances</b> Includes: by any solid or liquid substances specified in items 41–60

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
134	E951	<b>Suicide and self-inflicted poisoning by gases in domestic use</b> Includes: by any gas in domestic use specified in items 61-63
135	E952	<b>Suicide and self-inflicted poisoning by other gases</b> Includes: by any gas specified in items 64-68
136	E953	<b>Suicide and self-inflicted injury by hanging, strangulation and suffocation</b> Includes: by suffocation by plastic bag
137	E954	<b>Suicide and self-inflicted injury by submersion (drowning)</b>
138	E955	<b>Suicide and self-inflicted injury by firearms and explosives</b> Includes: by firearms and explosives specified in items 108-109 shooting
139	E956	<b>Suicide and self-inflicted injury by cutting and piercing instruments</b> Includes: by any instrument specified in item 106 cut puncture } any part of body stab
140	E957	<b>Suicide and self-inflicted injury by jumping from high place</b>
141	E958	<b>Suicide and self-inflicted injury by other means</b> Includes: by any means except those specified in items 133-140, such as: felo-de-se suicide or attempted suicide by: suicidal wound electrocution suicide or attempted extremes of cold suicide by: fire burns jumping before train, vehicle or caustic sub- other moving object stances, except motor vehicle poisoning scald
142	E959	<b>Late effect of self-inflicted injury</b> Includes: late effect of or occurring as sequela 1 year or more after attempted or self-inflicted injury specified in items 133-141

## PART XVII—HOMICIDE AND INJURY PURPOSELY INFLECTED BY OTHER PERSONS

This Part includes injuries inflicted by another person with intent to injure or kill, by any means

143	E960	<b>Fight, brawl, rape</b> Includes: brawl or fight with hands, fists, foot killed in fight
144	E961	<b>Assault by corrosive or caustic substance, except poisoning</b> Includes: injury or death purposely caused by corrosive or caustic substance, such as: burning or scalding by: acid (any) corrosive substance vitriol
145	E962	<b>Assault by poisoning</b> Includes: homicidal poisoning (any solid, liquid or gas)
146	E963	<b>Assault by hanging and strangulation</b> Includes: homicidal (attempt): hanging garrotting or ligature strangulation suffocation

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
147	E964	Assault by submersion (drowning)
148	E965	Assault by firearms and explosives Includes: assassination (attempt), homicidal (attempt), by firearms and explosives specified in items 108, 109 homicidal: gunshot (wound) shooting
149	E966	Assault by cutting and piercing instruments Includes: assassination (attempt), homicide (attempt) by an instrument specified in item 106 homicidal: cut puncture stab stabbed } any part of body
150	E967	Assault by pushing from high place
151	E968	Assault by other means Includes: abandonment of child (with intent to injure or kill) assassination (attempt) NOS bite of human being criminal neglect hit on head, homicidal hit by blunt object homicidal (attempt): burns injury wound, unqualified injury to child due to criminal abortion manslaughter (non-accidental) murder (attempt), unqualified violence, non-accidental
152	E969	Late effect of injury purposely inflicted by other person Includes: late effect of or occurring as sequela 1 year or more after injury purposely inflicted by other person specified in items 143-151

## PART XVIII—LEGAL INTERVENTION

This Part includes injuries inflicted by the police or other law-enforcing agents, including military on duty, in the course of arresting or attempting to arrest lawbreakers, suppressing disturbances, maintaining order and other legal action

153	E970	Legal intervention by firearms Includes: shot gunshot wound injury by: machine-gun revolver rifle
154	E971	Legal intervention by explosives Includes: injured by: dynamite explosive shell grenade mortar bomb
155	E972	Legal intervention by gas Includes: asphyxiation by gas injury by tear gas poisoning by gas

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
156	E973	<b>Legal intervention by blunt object</b> Includes: hit, struck by: baton blunt object stave
157	E974	<b>Legal intervention by cutting and piercing instruments</b> Includes: cut incised wound injured by bayonet stab wound
158	E975 E976	<b>Legal intervention by other means</b> Includes: blow man-handling
159	E977	<b>Late effect of injuries due to legal intervention</b> Includes: late effect of or occurring as sequela 1 year or more after injury resulting from legal intervention specified in items 153-158
PART XIX—CERTAIN INJURIES WHETHER ACCIDENTALLY OR PURPOSELY INFLICTED		
160	E980	<b>Poisoning by solid or liquid substances, whether accidentally or purposely inflicted</b> Includes: poisoning by any solid or liquid substance specified in items 41-60
161	E981	<b>Poisoning by gases in domestic use, whether accidentally or purposely inflicted</b> Includes: poisoning by any gas specified in items 61-63
162	E982	<b>Poisoning by other gases, whether accidentally or purposely inflicted</b> Includes: poisoning by any gas specified in items 64-68
163	E983	<b>Hanging, strangulation, or suffocation, whether accidentally or purposely inflicted</b> Includes: suffocation in plastic bag
164	E984	<b>Submersion (drowning), whether accidentally or purposely inflicted</b>
165	E985	<b>Injury by firearms and explosives, whether accidentally or purposely inflicted</b> Includes: injury by firearms and explosive missiles specified in items 108, 109
166	E986	<b>Injury by cutting and piercing instruments, whether accidentally or purposely inflicted</b> Includes: injury by instruments specified in item 106 cut puncture (wound) } any part of body stab (wound)
167	E987	<b>Falling from high place, whether accidentally or purposely inflicted</b>
168	E988	<b>Injury by other means, whether accidentally or purposely inflicted</b> Includes: injury by any means except those specified in items 160-167
169	E989	<b>Late effect of injury, whether accidentally or purposely inflicted</b> Includes: death or disability as late effect of or occurring as sequela 1 year or more after injury, whether accidentally or purposely inflicted, specified in items 160-168

## SCHEDULE—continued

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
<b>PART XX—INJURY RESULTING FROM OPERATIONS OF WAR</b>		
This Part includes: injuries to military personnel and civilians caused by war and civil insurrections and occurring during the time of war or insurrection injuries due to operations of war, occurring after cessation of hostilities		
170	E990	<b>By fires and conflagrations</b> Includes: asphyxia burns other injury
		} originating from fire caused directly by a } fire-producing device or indirectly by a } conventional weapon
171	E991	<b>By bullets and fragments</b> Includes: bullets (from carbines, machine guns, pistols, rifles, shotguns) fragments from:
		artillery shell           land mine bomb                     rocket grenade                 shell guided missile         shrapnel
172	E992	<b>By explosion of marine weapons</b> Includes: depth charge marine mines mine NOS, at sea or in harbour sea-based artillery shell
		torpedo underwater blast
173	E993	<b>By other explosion</b> Includes: accidental explosion of munitions being used in war accidental explosion of own weapons air blast NOS blast NOS
		explosion NOS explosion of: artillery shell breach block cannon block mortar bomb injury by weapon burst
174	E994	<b>By destruction of aircraft</b> Includes: aeroplane: burned exploded shot down crushed by falling aeroplane
175	E995	<b>By other forms of conventional warfare</b> Includes: battle wounds bayonet injury drowned in war operations
		injured in war sabre wound
176	E996	<b>By nuclear weapons</b> Includes: blast effects fireball effects heat
		} from nuclear explosions exposure to ionising radiation other direct and secondary effects of nuclear weapons
177	E997	<b>By other forms of unconventional warfare</b> Includes: asphyxia, burn, poisoning, other injury, by: biological warfare agents gas and chemicals:
		lung irritants           chlorine vesicants               lewisite nerve gases             mustard gas lacrimators             phosgene screening smokes

SCHEDULE—*continued*

Column 1 Item No.	Column 2 International Classification Number	Column 3 Particulars of Cause of Injury
178	E998	<b>Occurring after cessation of hostilities</b> Includes: injuries due to operations of war but occurring after cessation of hostilities by any means specified in items 170-177 injuries by explosion of bombs or mines placed in the course of operations of war, if the explosion occurred after cessation of hostilities
179	E999	<b>Late effect of injury due to war operations</b> Includes: late effect of or occurring as sequela 1 year or more after injury resulting from operations of war specified in items 170-178