PARLIAMENT OF AUSTRALIA
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

COMPENSATION (COMMONWEALTH GOVERNMENT EMPLOYEES)
AMENDMENT BILL 1979

Date Introduced: 13 September 1979
House: Senate
Presented by: Senator the Hon. M. Guilfoyle,
Minister for Social Security

Short Digest of Bill

Purpose

To provide for increases in benefits payable under the Compensation (Commonwealth Government Employees) Act 1971. Other provisions concern the administration of the Act.

Background

Since the last increase in compensation payments and benefits for Commonwealth employees in 1976, there have been significant increases in the cost of living and in the benefits payable under the workers' compensation legislation in the States. This legislation was needed to prevent further disparity.

Main Provisions

Clause 3 amends section 5 of the Principal Act by extending the upper age limit for a dependent child from twenty one years to twenty five years. (This is in line with recent changes to the Social Services Act).

Clauses 4 and 5 amend sections 7 and 7A respectively of the Principal Act to ensure that Commonwealth payments of invalid and service pensions in respect of a compensable injury will be offset against compensation payable to employees of prescribed Commonwealth authorities and employees of the Northern Territory respectively.

Clauses 6 and 9 repeal sections 17 and 71(2) of the Principal Act respectively as these provisions have now been rendered unnecessary by the provisions of the Superannuation Act 1976.

Clause 7 amends section 37 of the Principal Act to enable the Commissioner for Employees Compensation to approve payments above the prescribed limit ($780) for
modifications of buildings or vehicles or acquisition of aids in respect of an employee's injury, where the circumstances of the case justify such payments.

Clause 8 amends section 46 of the Principal Act to enable compensation, which is payable to retired employees in respect of injuries resulting in partial incapacity, to be extended to cases where partially incapacitated employees are re-employed at a lower salary.

Clause 15 inserts a new section 94A which empowers a Compensation Tribunal or prescribed court to refer questions of law to the Federal Court at its own motion or at the request of a party to the proceedings. Jurisdiction is conferred on the Federal Court to hear such matters and the Tribunal or prescribed court is required to abide by the Federal Court's decision.

Clause 16 amends the Act, as set out in the Schedule to the Bill, in relation to the amounts of compensation payable for certain occurrences; the following are some of the major changes:

- Maximum payment for certain aids and appliances and for alteration of buildings increased from $700 to $780 (s.37(3));
- Maximum payment for loss or injury relating to loss of eyesight, hearing, speech or limbs increased from $25,000 to $28,000 (s.39(1) and (3));
- Maximum payment for loss of capacity to have sex increased from $12,500 to $14,000 (s.40(1)); a similar amount will apply to facial disfigurement (s.41(1) and (6));
- Maximum payment for death of employee with dependants increased from $25,000 to $28,000 (s.43(3)(a));
- Maximum payment for funeral expenses increased from $650 to $730 (s.44(1));
- Maximum weekly payment for period of total incapacity increased from $80 to $90 (s.45(2)(a)) and similarly for partial incapacity (s.46(2)(a)(1)).

Other changes are set out in the Minister's second reading speech.
Clause 17 provides that the increases in monetary benefits will operate from 1 September 1979; as well, the increased weekly payments will also apply from that date, notwithstanding that the payments relate to an injury sustained before that date. The increased lump sums for death and specified losses will also apply from 1 September in every case where the death occurs or the loss is suffered after that date, even though the death or loss may have resulted from an injury sustained before that date.

19 September 1979

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