

Workers' Compensation Regulation 1983

Unvalidated References:

[Workers' Compensation Act 1978](#)

Employment Act 1978

[District Courts Act 1963](#)

[District Courts Act 1963](#)

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....

Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 179.

Workers' Compensation Regulation 1983

ARRANGEMENT OF SECTIONS.

1. Discretion as to forms, etc.
2. Application in general form.
3. Completion of form.
4. Form, etc., of seal.
5. Form of register.
6. Method of numbering, etc.
7. Application for compensation.
8. Copy to be served, etc.
9. Fixing of time, etc., for hearing.
10. Amendment of application, etc.
11. Application by dependants.
12. Notice of injury.
13. Award to be signed, etc.
14. Certificate.
15. Application for order.
16. Records of proceedings.
17. Rescission, etc., of order, etc., by tribunal.

18. Form of authorization.
19. Claim by employer against third party.
20. Failure of third party to appear.
21. Directions of tribunal.
22. Tribunal may decide costs, etc.
23. Transfer of rights.
24. Notice to employer.
25. Application for award by consent.
26. Application to discontinue, etc., weekly payments.
27. Application where worker no longer resident.
28. Application for payment into Office.
29. Application for payment of lump sum.
30. Application for payment out of Fund.
31. Admission of liability.
32. Appeals.
33. Medical examination.
34. Conditions of search.
35. Service.
36. Costs.
37. Fees.

[Workers' Compensation Regulation 1983](#)

MADE under the [Workers' Compensation Act 1978](#).

Dated 200 .

[PART I](#) – PRELIMINARY.

1. DISCRETION AS TO FORMS, ETC.

(1) Proceedings under the Act shall not fail for want of form, defect, error or omission unless in the opinion of a tribunal, a party to it has been affected prejudicially.

(2) Where a party has been affected prejudicially due to want of form, defect, error or omission, a tribunal shall make such order, including an order as to costs, as may be necessary to effect substantial justice.

2. APPLICATION IN GENERAL FORM.

Where a matter or thing is not specifically provided for under the Act, application may be made to the Registrar in Form 1 for direction appropriate to the matter or thing.

3. COMPLETION OF FORM.

Where a party to a proceeding is incapacitated or unable to complete a form required under the Act, it may be completed on his behalf by–

- (a) his agent; or
- (b) an officer; or
- (c) a Deputy Registrar; or
- (d) a labour officer appointed under the Employment Act 1978.

PART II. – ADMINISTRATION.

4. FORM, ETC., OF SEAL.

(1) The seal of the Office shall bear the crest of Papua New Guinea with the words “Office of Workers’ Compensation” above and the words “Papua New Guinea” below it.

(2) The seal of the Office shall be in the custody of the Registrar, who shall affix it to all awards and orders of a tribunal.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Office affixed to a document and shall presume that it was duly affixed.

5. FORM OF REGISTER.

For the purposes of Section 12 of the Act, the register shall be in Form 2.

6. METHOD OF NUMBERING, ETC.

(1) The Registrar shall mark with an identifying number the first document lodged with him by an applicant, and any document lodged subsequently by any party in relation to the application shall be marked with the same number by the party lodging it.

(2) The Registrar may refuse to receive any document that is not marked with the number referred to in Subsection (1).

(3) The Registrar shall file under their respective numbers and keep separate the records of all applications under the Act.

PART III. – PROCEDURE.

7. APPLICATION FOR COMPENSATION.

(1) For the purposes of this section, “dependant” includes and extends to a person who claims, or may be entitled to claim to be a dependant, but as to whose claim to rank as a dependant any question arises.

(2) An application for compensation made by or on behalf of–

- (a) a worker not in receipt of weekly payments under Section 36 of the Act, shall be in Form 3; and
- (b) a dependant, shall be in Form 4.

(3) An application for funeral expenses and for medical expenses for a deceased worker who leaves no dependants shall be in Form 5.

(4) An application under this section shall be lodged in duplicate with the Registrar.

8. COPY TO BE SERVED, ETC.

(1) The Registrar shall cause to be served on the employer named in the application—

(a) a copy of the application for compensation referred to in Section 7; and

(b) a notice in Form 6 informing the employer that he must, within one month after service of the notice, or within such further period as the Chief Commissioner on special request allows, lodge with the Registrar a written answer.

(2) The answer referred to in Subsection (1)(b)—

(a) shall be in Form 7; and

(b) shall contain a concise statement of the extent and grounds of the employer's opposition to the claim; and

(c) shall be lodged for filing together with sufficient copies for each other party to the proceeding.

(3) The Registrar shall, as soon as practicable after receiving the copies referred to in Subsection (2)(c) cause them to be served on the parties to the proceedings.

(4) Where the employer—

(a) fails to comply with Subsection (2); or

(b) fails to appear at a time and place fixed under Section 9,

a tribunal may make such an award as it thinks fit.

9. FIXING OF TIME, ETC., FOR HEARING.

(1) Where a matter is referred to a tribunal, a Chief Commissioner, a Commissioner, the Registrar or a person or court under a delegated power, that body, person or Clerk of the Court may, of his own motion, fix a time and place for the hearing.

(2) A notice of hearing under Subsection (1)—

(a) shall be in Form 8; and

(b) shall be served on the parties to the hearing at least 14 days before the date of hearing, unless the parties agree to an earlier hearing.

(3) A summons to a witness to attend a hearing shall be in Form 9.

10. AMENDMENT OF APPLICATION, ETC.

(1) Where—

- (a) an applicant wishes to amend his application or any particulars submitted with it; or
- (b) an employer wishes to amend his answer to an application,

the person making the amendment shall promptly lodge with the Registrar a written notice of the amendment.

(2) The Registrar shall, on receipt of an amendment under Subsection (1), serve a copy of it on any other party to the proceedings.

11. APPLICATION BY DEPENDANTS.

(1) In any proceedings in which the amount payable as compensation has been agreed on or ascertained, and a question arises as to—

- (a) who is a dependant; or
- (b) the amount payable to each dependant,

an application for determination of the question by a tribunal may be made by a lawyer or agent on behalf of a dependant.

(2) Where an application is made under Subsection (1)—

- (a) if the employer has paid the agreed or ascertained amount of compensation—it is not necessary for him to attend the hearing of a tribunal as a party to the dispute; or
- (b) if the employer has not paid in full the agreed or ascertained amount of compensation—he shall be a party to the dispute.

(3) Where the employer is a party to a dispute, he may pay the amount of compensation in his hands into the custody of the Office to be dealt with as the tribunal directs.

(4) Where the employer pays the compensation into the custody of the Office under Subsection (3), he ceases to be a party to the dispute.

12. NOTICE OF INJURY.

(1) A notice of injury under Section 41 of the Act shall be in Form 10.

(2) A notice under Section 42 of the Act in respect of—

- (a) total or partial incapacity of a worker shall be in Form 11; and
- (b) the death of a worker shall be in Form 12.

(3) A notice referred to in this section—

- (a) shall be submitted to the Registrar in duplicate; and
- (b) is not an admission of liability; and
- (c) shall not be used as evidence in any proceedings under the Act.

13. AWARD TO BE SIGNED, ETC.

(1) An award of a tribunal shall be—
(a) signed by the Chairman of the tribunal; and
(b) sealed in accordance with Section 4; and
(c) filed with the Registrar.

(2) A person in whose favour an award or order has been made by a tribunal may file or cause to be filed a certificate issued under Section 30 of the Act in the District Court having jurisdiction in the province where the employer or third party, as the case may be, resides.

(3) Where a certificate is filed under Subsection (2), the Clerk of the Court shall enter judgement for the person for the sum of the certificate.

(4) A judgement entered under Subsection (3) shall be subject to the [District Courts Act 1963](#) and shall be enforceable and be regarded for all purposes as a judgement of the District Court.

14. CERTIFICATE.

A certificate to be issued by the Registrar under Section 30 of the Act shall be in Form 13.

15. APPLICATION FOR ORDER.

An application under Section 36(3) of the Act shall be in Form 14.

16. RECORDS OF PROCEEDINGS.

(1) A member of a tribunal, the Chief Commissioner, a Commissioner, the Registrar, a person or court under a delegated power shall cause to be kept a sufficient record of proceedings before it or him, as the case may be, including:—

- (a) a record of the parties appearing or represented; and
- (b) the submissions (if any) made by each party and the reasons (if any) stated in support of the submissions; and
- (c) the decision or recommendation made in the proceedings.

(2) The record of the proceedings prescribed under Subsection (1), together with all other documents in connection with the proceedings, shall be forwarded by the party causing them to be kept, as soon as practicable after the conclusion of the proceedings, to the Registrar.

17. RESCISSION, ETC., OF ORDER, ETC., BY TRIBUNAL.

- (1) Where a tribunal is satisfied that—
- (a) an award, order, decision or determination made by a tribunal as to the application of an amount awarded or agreed on as compensation,
 - (i) has been obtained by fraud or other improper means; or
 - (ii) should be set aside or varied for any other sufficient reason; or

(b) any person who is not in fact a dependant as defined in the Act has been included in any award, order, decision or determination as a dependant; or

(c) any person who in fact is a dependant as defined in the Act, has been omitted from any award, order, decision or determination,

the tribunal may rescind, alter or amend any award, order, decision or determination previously made, and may make an order including an order as to any sum already paid under an award, order, decision or determination as under the circumstances it thinks just.

(2) An application to rescind, alter or amend an award, order, decision or determination under this section shall be in Form 1.

(3) An application to rescind or alter an award, order, decision or determination under this section shall not be made after the expiration of six months after the date of the award, order, decision or determination except, subject to Subsection (4) by leave of the Chief Commissioner.

(4) Leave of the Chief Commissioner under Subsection (3) shall not be granted unless he is satisfied that the failure to make the application within the period specified in that subsection was due to mistake, absence or any other reasonable cause.

18. FORM OF AUTHORIZATION.

(1) Authorization for a person to act as agent for a party to any proceedings before a tribunal shall be in Form 15, and a copy of the authorization shall be lodged with the Registrar.

(2) An authorization referred to in Subsection (1) shall be witnessed by a Commissioner for Oaths, a Town Clerk or an officer of the Public Service.

19. CLAIM BY EMPLOYER AGAINST THIRD PARTY.

(1) Where an employer claims to be entitled under Section 59 of the Act to indemnity against a person who is not a party to the proceedings (in this section called the “third party”), he shall, not less than seven days before the day appointed for the proceedings, or such further time as the tribunal allows, file with the Registrar a notice in duplicate of his claim in Form 12.

(2) The Registrar shall cause to be delivered to the third party—

(a) a copy of the notice referred to in Subsection (1); and

(b) a copy of the application for compensation referred to in Section 7; and

(c) a copy of the notice referred to in Section 24 that has been served on the employer.

20. FAILURE OF THIRD PARTY TO APPEAR.

(1) Where the third party referred to in Section 19, having been duly served with the documents in accordance with that section, fails to appear before the tribunal on the date appointed for proceeding with the application, or on any subsequent date appointed by the tribunal for the purposes of this section, of which due notice has been given to him in accordance with the notice fixing the date for hearing, he shall be deemed to admit—

- (a) the validity of any determination for compensation in the proceeding, whether by consent or otherwise; and
- (b) his liability to indemnify the respondent to the extent claimed in Section 19,

and the tribunal may make such determination as it thinks fit in favour of the employer against the third party.

(2) A tribunal may set aside or vary an award made against a third party under this section on such terms as it thinks just.

21. DIRECTIONS OF TRIBUNAL.

(1) The employer of the third party referred to in Section 19 may, at any time prior to the determination of the proceedings to which the notice referred to in Section 7 relates, apply to the tribunal for directions.

(2) On an application for directions under Subsection (1), the tribunal may—

- (a) order any question, as to the liability of the third party to make the indemnity claimed, to be determined before, at or after the determination of the proceedings to which the claim relates; or
- (b) give the third party leave to—
 - (i) resist the applicant's claim; or
 - (ii) appear and take part in the proceedings relating to the claim; or
- (c) give directions as to the mode or extent to which the third party shall be bound or made liable by the determination in the proceedings; or
- (d) give any further or other directions as it thinks fit.

22. TRIBUNAL MAY DECIDE COSTS, ETC.

Subject to Section 36, a tribunal may decide all questions of costs as between a third party and other parties to any proceedings or give such directions as to costs as it thinks fit.

23. TRANSFER OF RIGHTS.

Where, under Section 61 of the Act, the rights of an employer against an insurer under a contract between the employer and the insurer in respect of any right, remedy or liability under the Act to a worker are transferred and vested in the insurer, the following provisions apply:—

- (a) where a worker is, or claims to be, entitled to compensation from an employer to whom Section 61 of the Act applies, and he is unable to ascertain that the employer has entered into a contract in respect of his liability with an insurer—
 - (i) the worker may apply to the Chief Commissioner by affidavit setting out the facts on which he makes application for an examination of the employer by a tribunal; and
 - (ii) the tribunal may make such order as necessary in the circumstances to procure the attendance and examination of the employer; and
- (b) the provisions of the Act as to settlement of matters in dispute shall, with the necessary modifications, apply to the settlement as between the worker and the insurer of any question—

- (i) as to the liability of the insurer to the worker, or the amount of his liability; and
- (ii) that would, under the Act, be the subject of proceedings between the worker and the employer if the rights, remedies and liabilities of the employer had not been transferred to the insurer.

24. NOTICE TO EMPLOYER.

(1) The notice by a worker under Section 67(3) of the Act shall be submitted to the Registrar in Form 17.

(2) The Registrar shall endorse on the notice referred to in Subsection (1), his approval or rejection of it, and shall cause a copy to be forwarded to the employer and the worker.

25. APPLICATION FOR AWARD BY CONSENT.

An application for an award by consent of the parties under Section 74 of the Act shall be in Form 18.

26. APPLICATION TO DISCONTINUE, ETC., WEEKLY PAYMENTS.

- (1) An application under Section 76 of the Act—
 - (a) to the Registrar for consent—shall be in Form 19; and
 - (b) to the Chief Commissioner for an order by a tribunal—shall be in Form 20.

(2) An application by a worker under Section 76(4) of the Act shall be in Form 21.

27. APPLICATION WHERE WORKER NO LONGER RESIDENT.

An application by a worker ceasing to reside in the country for continuance of weekly payments under Section 77 of the Act shall be in Form 22.

28. APPLICATION FOR PAYMENT INTO OFFICE.

An application for payment into the Office under Section 80 of the Act shall be in Form 23.

29. APPLICATION FOR PAYMENT OF LUMP SUM.

An application for redemption of weekly payments by payments of a lump sum under Section 81 of the Act shall be in Form 24.

30. APPLICATION FOR PAYMENT OUT OF FUND.

(1) An application for payment out of the Fund under Section 82 of the Act shall be in Form 25.

(2) On receipt of the application referred to in Subsection (1), the Registrar shall—

- (a) make enquiries and obtain information that may be necessary, or as directed by the Chief Commissioner; and
- (b) report to—
 - (i) a tribunal; and
 - (ii) the Insurance Commissioner,

on all matters relevant to the application.

- (3) The Registrar shall notify—
 - (a) the applicant; and
 - (b) the employer; and
 - (c) the Insurance Commissioner; and
 - (d) if it appears proper to do so—an insurer,

of the time and place fixed for the hearing of the application by a tribunal.

- (4) The Registrar may appear at the hearing of an application under Subsection (1) and may assist the tribunal by placing before it any information relative to the application, and may summon any witness that he thinks fit or as directed by the tribunal.

31. ADMISSION OF LIABILITY.

Subject to any answer filed in accordance with this Regulation—

- (a) the applicant's particulars; and
- (b) in the case of a claim for compensation—the liability of the employer to pay compensation under the Act,

shall, unless a tribunal otherwise orders, be taken to be admitted.

32. APPEALS.

- (1) Where an appeal under Section 49 of the Act has been decided, the order of the National Court or a certified copy of it shall be deposited with the Registrar, who shall file it.

- (2) An order under Subsection (1) shall have the same effect as a decision of a tribunal.

PART IV. – MISCELLANEOUS.

33. MEDICAL EXAMINATION.

- (1) Where a worker is required under Section 46 of the Act to submit himself for examination by a medical practitioner, the examination shall be made during normal consulting hours of the practitioner, unless another time is agreed to by the worker.

- (2) Where a worker is in receipt of weekly payments under the Act, he shall not be required—

- (a) after one month from the date of the first payment of compensation; or
- (b) where payment is made under an order or award of a tribunal, after the date of the order or award,

to submit himself against his will for examination by a medical practitioner at intervals more frequent than once weekly during the second month and once fortnightly during each subsequent month after the date of the first payment or date of the order or award, as the case may be.

34. CONDITIONS OF SEARCH.

A person shall not, without the prior permission of the Registrar, be permitted to search the proceedings in any matter unless he is a party to the proceedings or bound by them or in the opinion of the Registrar, is liable to be bound by them.

35. SERVICE.

Except where specifically provided for otherwise, every notice required by the Act shall be given—

- (a) by delivering it; or
- (b) by prepaid registered post,

to the last known residence or place of business or employment of the person to whom it is given.

36. COSTS.

The provisions of the [District Courts Act 1963](#) relating to costs in civil claims apply to and in relation to proceedings under the Act.

37. FEES.

There shall not be any fees for proceedings under the Act.

SCHEDULE 1

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 1 – Application in the General Form.

Sec. 2, 17(2)

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 2 – Register of Workers' Compensation Claims.

Sec. 5.

Date claim lodged.	Nature of application.	Names and addresses of parties, their respective lawyers or agents.			Name of employer's insurer.	Date of hearing.	Order made.	Remarks.
		Worker.	Employer.	Names of dependants if worker deceased.				

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 3 – Application for Compensation. (Personal injury.).

Sec. 7(2)(a).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 4 – Application for Compensation. (Death of worker.).

Sec. 7(2)(b).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 5 – Application for Funeral and Medical Expenses where Deceased Worker leaves no Dependants.

Sec. 7(3).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 6 – Notice to Employer as to Application for Compensation.

Sec. 8(1)(b).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 7 – Employer’s Answer to Application for Compensation.

Sec. 8(2).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 8 – Notice of Fixing Time and Place for Hearing.

Sec. 9(2).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 9 – Summons to Witness.

Sec. 9(3).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 10 – Notice to Employer of injury by or on behalf of Worker.

Sec. 12(1).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 11 – Notice by Employer of Injury to Worker.

Sec. 12(2)(a).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 12 – Notice by Employer of an Injury to Worker Resulting in Death.

Sec. 12(2)(b).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 13 – Certificate under Section 30 of the Act.

Sec. 14.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 14 – Application for an Order by a Tribunal that Section 36(1) of the Act is not to Apply.

Sec. 15.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 15 – Appointment of Agent.

Sec. 18.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 16 – Third Party Notice.

Sec. 19.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 17 – Notice by Employee Declining Assessment of Compensation under Section 67(3) of the Act.

Sec. 24.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 18 – Application for an Award by Consent.

Sec. 25.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 19 – Application to Discontinue or Diminish a Weekly Payment.

Sec. 26(1)(a).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 20 – Application for an Order by a Tribunal under Section 76(2) of the Act.

Sec. 26(1)(b).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 21 – Application by Worker for Review of Weekly Payment.

Sec. 26(2).

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 22 – Application by a Worker Ceasing to Live in Papua New Guinea for an Order by a Tribunal that He Continue to Receive Weekly Payments.

Sec. 27.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 23 – Application for Payment into Office of Workers' Compensation.

Sec. 28.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 24 – Application for Lump Sum Payment in Redemption of Weekly or Other Payments.

Sec. 29.

PAPUA NEW GUINEA.

[Workers' Compensation Act 1978.](#)

Form 25 – Application for an Order for Payment of Compensation from the Workers' Compensation Fund.

Sec. 30.

Office of Legislative Counsel, PNG