



## NORTHERN TERRITORY OF AUSTRALIA

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No. 80 of 1892

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### AN ACT

To amend the *Workmen's Compensation Act*

[Assented to 14 December 1982]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Workmen's Compensation Amendment Act (No. 2) 1982*.

2. PRINCIPAL ACT

The *Workmen's Compensation Act* is in this Act referred to as the Principal Act.

3. REMEDIES BOTH AGAINST THE EMPLOYER AND A STRANGER

Section 22 of the Principal Act is amended -

(a) by omitting sub-section (1) and substituting the following:

"(1) If an injury in respect of which compensation is payable under this Act is caused under circumstances that appear to create a legal liability in some person other than the employer to pay damages in respect of the injury, the workman may take proceedings against that person to recover damages and may also make a claim against his employer for compensation.

"(1A) Where a workman receives compensation under this Act and recovers damages (other than damages for pain and suffering or loss of amenities of life in respect of the injury to a resident of the Territory, within the meaning of the *Motor Accidents (Compensation) Act*, in or as a result of an accident, within the meaning of that Act, that occurred in the Territory) from another person in respect of the same injury -

*Workmen's Compensation Amendment (No. 2)*

- (a) he shall repay to his employer such amount of the compensation as does not exceed the amount of those damages recovered from that person; and
- (b) upon notice to that person the employer shall have a first charge upon moneys representing those damages payable by that person to the workman to the extent of compensation which the employer has paid under this Act to the workman.

"(1B) Where a workman has received compensation under this Act but no damages to which sub-section (1A) applies, or less than the full amount of those damages to which he is entitled, the person liable to pay the damages shall indemnify the employer against so much of the compensation paid to the workman as does not exceed those damages for which the person is liable and subsequent payment of that money shall, to the extent of the amount paid, be a satisfaction of the liability of that person to the workman."; and

- (b) by omitting from sub-section (3)(a) "under sub-section (1)(b)" and substituting "under sub-section (1A)".

4. LIABILITY OF THE EMPLOYER INDEPENDENTLY OF THIS ACT

Section 23(4) of the Principal Act is amended by inserting after "damages" (first occurring) "(other than damages for pain and suffering or loss of amenities of life in respect of the injury to a resident of the Territory, within the meaning of the *Motor Accidents (Compensation) Act*, in or as a result of an accident, within the meaning of that Act, that occurred in the Territory)".

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