



ANNO SECUNDO

**ELIZABETHAE II REGINAE**

A.D. 1953

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**No. 38 of 1953.**

An Act to amend the Workmen's Compensation Act,  
1932-1951.

[Assented to 17th December, 1953.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Workmen's Compensation Act Amendment Act, 1953". Short titles.

(2) The Workmen's Compensation Act, 1932-1951, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1953".

(3) The Workmen's Compensation Act, 1932-1951, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 4 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 4 being read as subsection (1) thereof):— Amendment of s. 4 of principal Act—  
Liability of employers.

(2) An accident shall be deemed to arise out of and in the course of the employment of a workman if it occurs—

(a) while the workman in the course of a daily or other periodical journey of the workman between his place of abode and his place of employment (whether such journey is to or from work) is being conveyed by a means of

transport provided either by the employer or by some other person pursuant to arrangements made with the employer ;

- (b) on a journey taken by the workman during ordinary working hours between his place of employment and a trade technical or other training school which he is required by law to attend, or which he attends at the request of the employer.

This subsection shall not restrict the operation of subsection (1) of this section.

Amendment of  
s. 7 of  
principal Act—  
Meaning of  
workman.

4. Section 7 of the principal Act is amended—

- (a) by striking out the word "twenty-four" in the tenth line and inserting in lieu thereof the word "thirty-three" ;

- (b) by adding at the end thereof the following subsection :—

(3) For the purpose of determining whether a person employed by an employer is at any time a workman within the meaning of this section, his average weekly earnings shall be deemed to be his average weekly earnings in the employment of that employer—

- (a) during the twelve months preceding that time if he has been so long employed ; or

- (b) if he has been so employed for a shorter period than twelve months, during that shorter period :

Provided that where by reason of the shortness of the time during which the workman has been in the employment of the employer, or the casual nature of the employment, or the terms of the employment, it is impracticable at the relevant time to compute the rate of remuneration, regard may be had to the average weekly amount which during the twelve months before the relevant time was being earned by a person in the same grade employed at the same work

by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

5. Section 16 of the principal Act is amended—

- (a) by striking out the word "fifty" in the sixth, ninth, and eleventh lines of subsection (1) and inserting in lieu thereof in each case the words "seventy-five";
- (b) by striking out the words "one thousand five hundred" in the eleventh line of subsection (1) and inserting in lieu thereof the words "two thousand";
- (c) by striking out the word "fifty" in the last line of subsection (3) and inserting in lieu thereof the word "seventy-five";
- (d) by striking out the words "Commonwealth Act known as the Child Endowment Act, 1941-1945, or any amendment thereof" in the last two lines of subsection (6) and inserting in lieu thereof "laws of the Commonwealth relating to child endowment".

Amendment of  
s. 16 of  
principal Act—  
Compensation  
when work-  
man dies  
leaving  
dependants.

6. Section 17 of the principal Act is amended by striking out the word "thirty" in the last line and inserting in lieu thereof the word "forty".

Amendment of  
s. 17 of  
principal Act—  
Compensation  
on death  
without  
dependants.

7. Section 18 of the principal Act is amended—

- (a) by striking out the word "ten" in the eighth line of subsection (1) and inserting in lieu thereof the word "fifteen";
- (b) by striking out the words "one pound ten shillings" occurring before the words "a week" at the end of subsection (1) and inserting in lieu thereof the words "two pounds";
- (c) by striking out the word "eleven" in subsection (2) thereof and inserting in lieu thereof the word "twelve";
- (d) by adding after the words "eight pounds" in subsection (2a) the words "fifteen shillings";

Amendment of  
s. 18 of  
principal Act—  
Compensation  
for incapacity.

- (e) by striking out the words "one thousand seven hundred and fifty" in subsection (3) and inserting in lieu thereof the words "two thousand two hundred and fifty".

Amendment of  
s. 18a of  
principal Act—  
Medical  
expenses.

8. (1) Section 18a of the principal Act is amended—

- (a) by striking out the word "seventy-five" in the third line of subsection (1) and inserting in lieu thereof the words "one hundred";
- (b) by striking out the word "thirty-five" in the first line of paragraph (b) of subsection (1) and inserting in lieu thereof the word "forty";
- (c) by striking out the word "thirty" in the first line of paragraph (d) of subsection (1) and inserting in lieu thereof "fifty";
- (d) by striking out the word "seventy-five" in the seventh and ninth lines of subsection (2) and inserting in lieu thereof in each case the words "one hundred";
- (e) by striking out the word "seventy-five" in the second and eighth lines of subsection (3) and inserting in lieu thereof in each case the words "one hundred".

(2) Section 18a of the principal Act is further amended by inserting therein after subsection (1) the following subsection—

(1a) The fees and charges specified in paragraph (b) of subsection (1) of this section shall include—

- (a) any expenses incurred in travelling or living away from home for the purpose of obtaining treatment as mentioned in that paragraph; and
- (b) the cost of repairs to spectacles or hearing aids.

Amendment of  
s. 26 of  
principal Act—  
Fixed rates  
of compensa-  
tion.

9. Section 26 of the principal Act is amended by striking out the words "one thousand seven hundred and fifty" in subsection (5) thereof and in the heading of the right-hand column of the table set out in that section and inserting in lieu thereof in each case the words "two thousand two hundred and fifty".

**10.** Subject as hereinafter provided, sections 3 to 9 (inclusive) of this Act shall apply only in relation to injury or death caused by an accident occurring after the commencement of this Act. Application  
of Act.

Where injury or death was caused by an accident occurring before the commencement of this Act, the provisions of the principal Act, as in force immediately before the said commencement shall apply:

Provided that where a workman is at the time of the commencement of this Act in receipt of or entitled to a weekly payment for total or partial incapacity resulting from injury caused by an accident occurring before the said commencement, such weekly payment shall, on and after the said commencement, be at the rate which would be payable if this Act had been in force when the accident occurred; but the total liability of the employer in respect of weekly payments for any such incapacity shall not exceed one thousand seven hundred and fifty pounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.