



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 68 of 1954

An Act to amend the Workmen's Compensation Act,
1932-1953.

[Assented to 23rd December, 1954]

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, 1954". Short titles

(2) The Workmen's Compensation Act, 1932-1953, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1954".

(3) The Workmen's Compensation Act, 1932-1953, 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 16 of the principal Act is amended —

(a) by striking out the word "seventy-five" in the sixth, ninth and eleventh lines and inserting in lieu thereof "eighty";

(b) by inserting after the word "thousand" in the eleventh line of subsection (1) the words "two hundred and fifty":

Amendment of
s. 16 of
principal Act—
Amount of
compensation
on death.

(c) by striking out subsection (3) thereof and inserting in lieu thereof the following subsection :—

(3) Amounts paid or payable before the death of the workman as weekly payments of compensation for total or partial incapacity for work resulting from the injury shall not be deducted from, but shall be payable in addition to, the compensation payable under subsection (1) or (2) of this section.

Amendment of
s. 17 of
principal Act—
Compensation
where
workman
leaves no
dependants.

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

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

5. Section 18 of the principal Act is amended—

- (a) by striking out the words "fifteen shillings" in the eighth line of subsection (1) and inserting in lieu thereof the words "one pound";
- (b) by adding after the words "two pounds" in the twelfth line of subsection (1) the words "ten shillings";
- (c) by adding after the words "twelve pounds" in the fourth line of subsection (2) the words "sixteen shillings";
- (d) by striking out the words "two hundred and fifty" before the word "pounds" at the end of subsection (3) and inserting in lieu thereof the words "five hundred".

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

6. Section 18a of the principal Act is amended—

- (a) by adding after the words "one hundred" in the third line of subsection (1) the words "and fifty"; and
- (b) by striking out the word "fifty" in paragraph (d) of subsection (1) and inserting in lieu thereof "one hundred"; and
- (c) by adding after the words "one hundred" in the seventh and ninth lines of subsection (2) the words "and fifty"; and
- (d) by adding after the words "one hundred" in the second and eighth lines of subsection (3) the words "and fifty"; and
- (e) by inserting after subsection (3) thereof the following subsection :—

(3a) Where in any case the expenses (being expenses of the kind mentioned in subsection (1)

of this section) actually and reasonably incurred by the workman, exceed the maximum amount payable under the other provisions of this section, a special magistrate may order that the employer pay such additional amount as is required to meet such expenses.

7. Section 26 of the principal Act is amended—

- (a) by striking out the word "but" in the third line of subsection (2) and inserting in lieu thereof the word "and";
- (b) by striking out the words "deducted from" in the fourth line of subsection (2) and inserting in lieu thereof "in addition to";
- (c) by inserting after the word "receive" in the third line of subsection (5) the words "in respect of fixed sums mentioned in the said table";
- (d) by striking out the words "two hundred and fifty" in the last line of subsection (5) and inserting in lieu thereof the words "five hundred";
- (e) by striking out the words "two hundred and fifty" in the heading to the table at the end of the said section and inserting in lieu thereof the words "five hundred".

Amendment of
s. 26 of
principal Act—
Fixed rates of
compensation
for certain
injuries.

8. (1) Section 94d of the principal Act is repealed and the following section is enacted in lieu thereof:—

94d. No compensation shall be payable under this Part on the disablement or death of a workman unless such death or disablement was caused by silicosis wholly or mainly attributable to his employment in South Australia in an industry or process specified in the scheme.

Repeal of
s. 94d of
the principal
Act and
enactment of
other
provisions—
Conditions of
compensation.

(2) The amendment of the law effected by this section shall apply to compensation for which an application is under consideration at the time of the passing of the Workmen's Compensation Act Amendment Act, 1954, and to compensation for which an application is first made after the passing of the said Act.

9. (1) Section 94g of the principal Act is amended by inserting therein after paragraph (b) the following paragraphs:—

- (b1) for enabling the Minister to reduce, to such extent as he deems just in each case, the rate of subscription payable by an employer if—

Amendment of
s. 94g of the
principal Act—
Contents of
schemes.

(i) the works or premises of such employer are constructed, to the satisfaction of the Minister so as to reduce the risk of his employees contracting silicosis ; or

(ii) if the silicosis content of the materials used or handled at the works of such employer is in the opinion of the Minister unusually low :

(b2) for empowering the Committee to require any employer who fails to pay a subscription under the scheme within one month after the prescribed time for payment, to pay an additional amount not exceeding ten per cent of the subscription.

(2) Section 94g of the principal Act is further amended by adding at the end thereof the following subsections :—

(2) A scheme may provide that a contravention of or failure to comply with a provision or requirement thereof shall be an offence.

(3) An offence against a provision of a scheme shall be punishable on summary conviction by a fine not exceeding one hundred pounds.

**Application of
Act.**

10. Sections 3 to 7 inclusive of this Act shall apply only in relation to injury or death caused by an accident occurring after the commencement of this Act.

In cases of injury or death by accident occurring before the commencement of this Act the provisions of the principal Act as in force immediately before the commencement of this Act shall apply.

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

R. A. GEORGE, Governor.