

26 GEO. V. No. 26, 1935. *Workers' Compensation Acts Amendment Act.*

Provided that the provision relating to an increased penalty for a second or subsequent offence shall not apply in any case where a period of more than twelve months has elapsed between the commission of such second or subsequent offence and the commission of the last previous offence for which he has been convicted."

6. After section sixty-three of the Principal Act the New s. 63A. following new section 63A is inserted, namely:—

"[63A.] Notwithstanding anything in any Act to Minimum the contrary, where any person is convicted of an offence penalty. against this Act the penalty to be imposed in respect of such offence shall not be reduced below any prescribed minimum amount of penalty."

An Act to Amend "The Workers' Compensation Acts, 1916 to 1934," in certain particulars.

[ASSENTED TO 5TH DECEMBER, 1935.]

26 Geo. V
No. 26.
THE
WORKERS'
COMPENSATION
ACTS
AMENDMENT
ACT OF 1935.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Workers' Compensation Acts Amendment Act of 1935*," and shall be read as one with *"*The Workers' Compensation Acts, 1916 to 1934*," herein referred to as the Principal Act. Short title and construction.

The Principal Act and this Act may collectively be cited as "*The Workers' Compensation Acts, 1916 to 1935*."

Amendments of the Principal Act.

2. Subsection one of section fourteen of the Principal Act is amended, as follows:— Amendment of s. 14.

(i.) The paragraph in provision (B), commencing with the words "A weekly payment" and ending with the words "fifty pounds," is amended by the insertion therein, after the words "employment of the same employer," of the following words, namely:—"provided

* 6 Geo. V. No. 35 and amending Acts, *supra*, pages 9871 *et seq.* See Alphabetical Table.

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that where an adult worker is working in an industry governed by an award or an industrial agreement his average weekly earnings shall be deemed to be not less than the basic wage (as hereinafter defined).”

(ii.) The paragraph in the said provision (B), commencing with the words “The total weekly amount payable” and ending with the words “seven hundred and fifty pounds in all,” is repealed, and the following new paragraph is inserted in lieu thereof, namely :—

“The total weekly amount payable under paragraph (B) of this section to the injured worker shall not exceed a sum per week equivalent to the weekly wages of the worker at the date of the accident or the said basic wage, whichever is the smaller amount, provided that where he is working in an industry governed by an award or an industrial agreement, or is employed as an intermittent relief worker, the said total weekly amount payable shall not exceed the said basic wage in the aggregate or the sum of seven hundred and fifty pounds in all.”

(iii.) In the last paragraph in the said provision (B), being the paragraph commencing with the words “For the purposes” and ending with the words “in Brisbane,” all words and brackets, commencing with the words “whether so” and ending with the word and bracket “Arbitration)” are repealed and the following words and brackets are inserted in lieu thereof, namely :—
“whether so declared by the Industrial Court constituted under the provisions of **The Industrial Conciliation and Arbitration Acts, 1932 to 1935*” (or any Act amending or in substitution for the same, or by any Board or Court or other tribunal which may be appointed in lieu of the said Industrial Court).”

(iv.) Paragraphs (a), (b), (c), (d), and (e), occurring before the table in provision (C), are repealed, and the following new paragraphs (a), (b), (c), (d), (e), and (f) are inserted in lieu thereof, namely :—

“(a) Notwithstanding the foregoing provisions, the compensation payable for the injuries mentioned in the

* 23 Geo. V. No. 36 and amending Acts, *supra*, pages 14266 *et seq.*

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first column of the table hereunder set forth shall be the amounts indicated in the second column of that table.

(b) For the purposes of the said table, an eye or foot or other member shall be deemed to be lost if it is rendered permanently and wholly useless.

(c) For the purposes of the said table, the expression "loss of" also includes the "permanent loss of the efficient use of," but in such case a percentage of the prescribed amount payable, equal to the percentage of the diminution of its full efficient use, shall be awarded in lieu of the full amount.

(d) Nothing in the said table shall limit the amount of compensation payable for any such injury during any period of total incapacity resulting from that injury, but any sum so paid by way of compensation weekly or otherwise shall be deducted from the compensation payable in accordance with the said table.

(e) Clause nineteen of the Schedule to this Act shall not apply to any payment made under this provision: Provided that any such payment may by agreement or by order of an industrial magistrate be invested or otherwise applied for the benefit of the person entitled thereto.

(f) Where a worker suffers by the same accident more than one of the injuries mentioned in the said table, he shall not be entitled in any case to receive more than seven hundred and fifty pounds."

(v.) The table in the said provision (C) is amended by repealing the words "Total loss," wherever they occur in the column headed "Nature of Injury," and by inserting in each case the word "Loss" in lieu thereof.

3. Section 14A of the Principal Act is amended by repealing the words "or other zymotic disease" in the column headed "Description of Disease" in the Table of Industrial Diseases, and by inserting in lieu thereof the words "or other infectious or contagious disease." Amendment of s. 14A.

4. (1.) Section 14B of the Principal Act is amended, Amendment of s. 14B. as follows:—

(i.) In subsection one of the said section, all words commencing with the words "but the amount of compensation" and ending with the words "two hundred

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pounds in all," are repealed and the following words are inserted in lieu thereof, namely:—"but the weekly sum payable shall be one-half the amount calculated in accordance with subsection two of this section in lieu of the amount set forth in section fourteen of this Act, and the total amount payable shall not exceed twenty-five shillings per week or the sum of three hundred pounds in all."

(ii.) In subsection two of the said section the words "four hundred and fifty pounds," occurring in the proviso to provision (A), are repealed and the words "five hundred and fifty pounds" are inserted in lieu thereof; also in the proviso to provision (B) of the said subsection the words "four hundred and fifty pounds" are repealed and the words "five hundred and fifty pounds" are inserted in lieu thereof.

(iii.) Subsection 3A of the said section is amended by repealing the words, letters, and brackets, "paragraphs (a) and (b) of subsection one hereof"; and by inserting in lieu thereof the words, letters, and brackets "paragraphs (a) and (b) or (e) and (f) of subsection one hereof, as the case may be, being applicable"; also by repealing paragraph (b) of the said subsection and by inserting the following new paragraph in lieu thereof, namely:—

"(b) In case of incapacity after a personal examination, physical and radiological, of the applicant and microscopical and bacteriological examinations of his sputum."
