



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 108 of 1969

An Act to amend the Workmen's Compensation Act,
1932-1966

[Assented to 18th December, 1969.]

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, 1969". Short title.

(2) The Workmen's Compensation Act, 1932-1966, as amended by this Act and by all Acts amending the same prior to the enactment of this Act, may be cited as the "Workmen's Compensation Act, 1932-1969".

(3) The Workmen's Compensation Act, 1932-1966, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 1 of the principal Act is amended by inserting after the passage "PART IX.—Industrial diseases: sections 82 to 94" the following passage:—

PART IXA.—Silicosis: sections 94a to 94j.

Amendment of principal Act, s. 1—
Short title, commencement and divisions of Act.

4. Section 7 of the principal Act is amended—

(a) by striking out paragraph (a) from subsection (1) thereof; and

(b) by striking out subsection (2).

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

Amendment of
principal Act,
s. 16—

Amount of
compensation
when work-
man dies
leaving
dependants.

5. Section 16 of the principal Act is amended—

- (a) by striking out from subsection (4) the word “actual” and inserting in lieu thereof the word “continuous” ;
and
(b) by inserting in subsection (4) after the word “employment” second occurring the passage “next preceding the injury”.

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

6. Section 18 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “one pound fifteen shillings” and inserting in lieu thereof the passage “three dollars and fifty cents” ;
(b) by inserting in subsection (1) after the passage “a wife” the passage “or a mother” ;
(c) by striking out from subsection (1) the passage “four pounds ten shillings” and inserting in lieu thereof the passage “nine dollars” ;
(d) by inserting in subsection (2) after the passage “a wife” the passage “, a mother” ;
(e) by striking out from subsection (2) the passage “sixteen pounds five shillings” and inserting in lieu thereof the passage “forty dollars” ;
(f) by inserting in subsection (2a) after the passage “a wife” the passage “, a mother” ;
(g) by striking out from subsection (2a) the passage “eleven pounds” and inserting in lieu thereof the passage “twenty-seven dollars” ;
(h) by striking out subsection (3) and inserting in lieu thereof the following subsection :—
 (3) The total liability of the employer in respect of payments under this section shall not—
 (a) exceed the sum of nine thousand dollars, unless the injury results in total permanent incapacity for work ;
 and
 (b) exceed the sum of twelve thousand dollars, in any case. ;
(i) by striking out from paragraph (a) of subsection (4) the passage “six pounds” and inserting in lieu thereof the passage “fifteen dollars” ;
and
(j) by striking out from paragraph (b) of subsection (4) the passage “six pounds” and inserting in lieu thereof the passage “fifteen dollars”.

7. Section 24a of the principal Act is amended by inserting after the passage "the arbitrator shall" the passage ", for the purposes of ascertaining the amount of weekly payments pursuant to section 18 of this Act,".

Amendment of principal Act, s. 24a—
Partial incapacity to be treated as total.

8. Section 26 of the principal Act is amended—

(a) by striking out from subsection (5) the passage "four thousand five hundred pounds" and inserting in lieu thereof the passage "nine thousand dollars";

and

(b) by striking out from the heading of the second column of the table therein the passage "four thousand five hundred pounds" and inserting in lieu thereof the passage "nine thousand dollars".

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

9. Section 28 of the principal Act is amended—

(a) by striking out the word "disability" and inserting in lieu thereof the word "incapacity";

and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection :—

Amendment of principal Act, s. 28—
Lump sum in redemption of weekly payments.

(2) In settling a lump sum pursuant to subsection (1) of this section in respect of a workman in relation to whom an order under subsection (1) of section 24a of this Act was in force immediately before that lump sum was so settled, the arbitrator may if he thinks fit treat the total liability under subsection (3) of section 18 of this Act as being any sum not exceeding twelve thousand dollars.

10. The following section is enacted and inserted in the principal Act immediately after section 33 :—

33a. A copy of every report of a medical examination to which a workman is required to submit himself under this Act shall be given to the workman or to a person nominated by the workman.

Enactment of s. 33a of principal Act—

Right to receive medical reports.

11. Section 69 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection :—

(2) Where a workman has received compensation under this Act in respect of an injury he shall not bring an action

Amendment of principal Act, s. 69—
Liability independently of this Act.

against the employer for damages in respect of the same injury unless—

(a) within six months after he received such compensation, or if more than one payment of compensation was made, within six months after he received the first such payment he gave the employer written notice of his intention to bring that action ;

or

(b) having failed to give the written notice in accordance with paragraph (a) of this subsection, his failure is excused by the court on the ground that—

(i) he was, at the material time, absent from the State ;

(ii) he was, at the material time, a mentally defective person within the meaning of the Mental Health Act, 1935-1967, as amended ;

(iii) he was, at the material time, an infant ;

or

(iv) the failure was occasioned by mistake or other reasonable cause.

Amendment of
principal Act,
s. 70—
Where action
brought for
injury for
which
compensation
is payable
under this Act.

12. Section 70 of the principal Act is amended by striking out from subsection (1) the passage "in this Act".

Repeal of
s. 94 of
principal Act
and enactment
of section in
its place.
Scope of
Part.

13. Section 94 of the principal Act is repealed and the following section is enacted and inserted in its place :—

94. This Part shall not be construed as limiting or affecting the right of a workman to recover compensation under this Act otherwise than in accordance with this Part.

Enactment of
s. 94k of
principal Act—

14. The following section is enacted and inserted in Part IXa of the principal Act immediately after section 94j thereof :—

Appeal to
Judge.

94k. An appeal shall lie from a decision of the committee, provided for by paragraph (c) of subsection (1) of section 94g of this Act, to a Judge.

15. Section 108 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "five pounds" and inserting in lieu thereof the passage "one hundred dollars";

and

(b) by striking out from subsection (2) the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".

Amendment of
principal Act,
s. 108—
Compulsory
insurance.

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

J. W. HARRISON, Governor.