



ANNO DECIMO QUINTO

GEORGII V REGIS.

A.D. 1924.

No. 1660.

An Act to further amend the Workmen's Compensation Acts, 1911 to 1922.

[Assented to, January 15th, 1925]

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 Further Amendment Act, 1924." Short title

(2) The Workmen's Compensation Acts, 1911 to 1922, and this Act may be cited together as the "Workmen's Compensation Acts, 1911 to 1924."

(3) The Workmen's Compensation Act, 1911, is hereinafter called "the principal Act." No. 1053 of 1911.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 4 of the principal Act is amended—

(a) by inserting after the word "sister" in the last line of the definition of "member of a family" the words "step-brother, step-sister"; and

(b) by altering the definition of "Workman" therein so as to read as follows :—

"Workman" means any person (including a domestic servant) who has entered into or works under a contract of service or apprenticeship or otherwise with an employer whether by way of manual labor, clerical

Amendment of principal Act, s. 4.

Amendment of definition of "workman."
Cf. Qld. 6 Geo. V., c. 35, s. 8.

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clerical work, or otherwise, and whether the contract is expressed or implied, or is oral or in writing: the term does not include—

- (a) a person whose average weekly earnings exceed Ten Pounds; or
- (b) an outworker; or
- (c) a member of an employer's family (dwelling in his house); or
- (d) a person whose employment is of a casual nature, and is not for the purposes of the employer's trade or business; or
- (e) a seaman where the injury occurs outside the territorial jurisdiction of South Australia.

Alteration of minimum period of disablement.

4. Subsection (2) of section 6 of the principal Act is amended by striking out in paragraph (a) the words "one week," and inserting in lieu thereof "three days".

Amendment of principal Act, s. 7—
Notice of accident.

5. Section 7 of the principal Act is amended by striking out the words "and before the workman has voluntarily left the employment in which he was injured" in the fourth and fifth lines of the said section.

Amendment of principal Act, s. 9—
Abolition of exception in case of agricultural and pastoral work.

6. Section 9 of the principal Act is amended by striking out the proviso to subsection (1) thereof.

Amendment of principal Act, s. 13.

7. Section 13 of the principal Act is amended by striking out the words "out of and" in the third line thereof.

Amendment of principal Act, First Schedule, para. (1.) (a.)—

8. Subparagraph (a) of paragraph (1.) of the First Schedule to the principal Act (which subparagraph was amended by section 3 of the Workmen's Compensation Act Amendment Act, 1918), is further amended—

Increase of minimum and maximum amount of compensation in case of death.

(a) by striking out the word "Two" in the sixth line thereof and inserting in lieu of that word the word "Four"; and

(b) by striking out the words "Four Hundred" in the seventh line thereof and inserting in lieu of those words the words "Six Hundred."

Amendment of principal Act, First Schedule, part (1), (b)—

9. Subparagraph (b) of paragraph (1) of the First Schedule to the principal Act (which subparagraph was re-enacted by section 3 of the Workmen's Compensation Act Further Amendment Act, 1919, and amended by section 2 of the Workmen's Compensation Act

Further

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Further Amendment Act, 1922) is further amended so as to read as follows :—

Increase of maximum amount of compensation in case of incapacity.

- (b) Where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding a sum equal to fifty per centum of his average weekly earnings during the previous twelve months if the workman has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, plus Seven Shillings and Sixpence per week for each child under the age of fourteen years totally or mainly dependent upon the earnings of the workman ; such weekly payment not to exceed Five Pounds, but
- (i.) the total liability of the employer in respect of such payments shall not exceed Seven Hundred Pounds ;
 - (ii.) the workman shall not be entitled to receive by way of weekly payment under this paragraph a greater sum than his average weekly earnings during such period as aforesaid.

Provided that in the case of a workman whom his employer has reasonable cause to believe to be over sixty years of age, or who has, in accordance with the regulations, obtained from a medical referee a certificate to the effect that any physical or mental infirmity or incapacity from which he is suffering is such as to render him specially liable to accident, or to render the result of an accident to him specially serious, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable under this Act in respect of accidents happening after the date of the agreement, the compensation shall not exceed that maximum, but the maximum shall not be less—

- I. Where death results from the injury, and the workman leaves any dependants, than One Hundred Pounds :
- II. Where total or partial incapacity for work results from the injury, than a weekly payment during the incapacity of Twenty Shillings, and a total liability of One Hundred Pounds.

10. Paragraph 2 of the First Schedule to the principal Act is amended by adding at the end thereof the following subparagraph :—

- (e) When a workman is at the time of the accident under the age of twenty-one years, or is an indentured apprentice, or an apprentice or improver under an award, determination, or industrial agreement, and his incapacity, whether total or partial, is permanent, his average weekly earnings at the time of the accident shall be deemed to be the weekly sum which he would probably have been able to earn if he had then attained the age of twenty-one years, or had completed his apprenticeship, or had ceased to be an improver, as the case may be, being in no

Compensation for permanent incapacity when workmen under twenty-one or an apprentice.

Cf. N.Z., 1922, No. 39, s. 9.

case

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case less than Three Pounds per week; and the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or able to earn in some suitable employment or business after the accident, shall be deemed to be the difference between the weekly sum aforesaid and the amount which the workman will probably be able to earn after attaining the age of twenty-one years, or after the expiration of the time when the apprenticeship would in the ordinary course of events have come to an end, or the workman would have ceased to be an improver, as the case may be.

Amendment of
principal Act, First
Schedule—

Consequential
amendment.

Fixed rates of
compensation for
certain injuries.

Cf. Qld. 6 Geo. V.,
No. 35, s. 14 (c).

11. Paragraph 17 of the First Schedule to the principal Act is amended by striking out the proviso thereto.

New Provision.

12. (1) Notwithstanding anything in this Act or the principal Act the compensation payable for the injuries mentioned in the first column of the table in the Schedule to this Act shall be assessed in the manner indicated in the second column of that table.

(2) 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 shall be deducted from the compensation payable in accordance with the said table.

(3) Paragraph 18 of the First Schedule to the principal Act shall not apply to any payment made under this section: Provided that any such payment may by agreement or by order of a Special Magistrate be invested or otherwise applied for the benefit of the person entitled thereto.

(4) For the purposes of this section an eye or foot or other member shall be deemed to be lost if it is rendered permanently and wholly useless.

(5) Where a workman suffers by the same accident from 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 Pounds.

(6) The Governor may by proclamation add to the said table by assigning specified amounts of compensation as payable for additional specified injuries; and the table in force for the time being as so added to shall be deemed to be the table referred to in this section.

Compulsory
insurance.

Cf. Qld. 6 Geo. V.,
No. 35, s. 8.

13. (1) After the expiration of two months from the commencement of this Act no employer shall employ any workman unless he has obtained from an insurance office a policy of insurance for the full amount of his liability to pay compensation under the principal Act to all workmen employed by him.

(2) Any employer who fails to comply with this section shall be liable to a penalty not exceeding Five Pounds in respect of each uninsured workman employed by him; and after the date of any conviction for a contravention of this section, he shall from time to time be liable to further penalties not exceeding Twenty Pounds for every week during which he fails to comply with this section.

(3) This

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(3) This section shall not apply to—

- (a) any employer who has established a scheme under section 8 of the principal Act in respect of which scheme a certificate given by the Public Actuary is for the time being in force; or
- (b) the Crown;
- (c) the South Australian Railways Commissioner: or
- (d) any employer who, in the opinion of the Minister, has adequate financial resources to meet all probable claims under the Workmen's Compensation Acts, 1911 to 1924, and who obtains a certificate of exemption from the provisions of this section under the hand of the Minister.

14. No prosecution for a contravention of section 13 shall be instituted without the consent of the Minister. Such consent may be proved by the production of a document purporting to be signed by the Minister and giving consent to the prosecution.

Consent of the
Minister to prosecution.

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

TOM BRIDGES, Governor.

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THE SCHEDULE.

TABLE.

Nature of Injury.	Ratio which the fixed sum payable as compensation under section 12 bears to the total liability of the employer under subparagraph (b) (i) of paragraph (1) of the First Schedule to the principal Act.
	Per centum.
Loss of both eyes	100
Loss of an only eye.....	100
Loss of both hands	100
Loss of both feet	100
Loss of a hand and a foot	100
Total and incurable loss of mental powers involving inability to work	100
Total and incurable paralysis of the limbs or of mental powers	100
Total loss of the right arm or of the greater part of the arm	80
Total loss of the left arm or of the greater part of the arm	75
Total loss of the right hand or of five fingers of the right hand or of the lower part of the right arm	70
Total loss of the same for the left hand and arm	65
Total loss of a leg	75
Total loss of a foot or the lower part of the leg.....	60
Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye.....	75
Total loss of hearing	50
Complete deafness of one ear	10
Total loss of the sight of one eye	40
Total loss of the thumb of the right hand	30
Total loss of the thumb of the left hand	25
Total loss of the forefinger of the right hand	20
Total loss of the forefinger of the left hand	15
Total loss of a joint of the thumb	15
Total loss of the little finger of the hand	12
Total loss of the middle or ring finger of the hand	8
Total loss of the great toe of either foot	20
Total loss of a joint of the great toe of either foot	10
Total loss of any other toe or of a joint of a finger.....	5