



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 86 of 1969

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

[Assented to 11th 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 (No. 2), 1969". Short titles.

(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 3 of the principal Act is amended by inserting before the definition of "member of a family" the following definitions:— Amendment of principal Act, s. 3— Interpretation.

"Judge" means Judge as defined in section 4 of the Local and District Criminal Courts Act, 1926-1969:

"local court" means local court established and constituted in accordance with the Local and District Criminal Courts Act, 1926-1969:.

Enactment of
s. 3a of
principal Act—
Transitional
provisions.

4. The following section is enacted and inserted in Part I of the principal Act immediately after section 3 thereof :—

3a. Notwithstanding the provisions of this Act as in force after the commencement of the Workmen's Compensation Act Amendment Act (No. 2), 1969, any proceedings commenced before an arbitrator or a special magistrate before the commencement of that Act and not finalized shall be continued and finalized as if that Act had not been enacted.

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

5. Section 26 of the principal Act is amended by striking out from the proviso to subsection (3) the passage "special magistrate" and inserting in lieu thereof the word "Judge".

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

6. Section 28 of the principal Act is amended by striking out the passage "or special magistrate".

Amendment of
principal Act,
s. 39—
Questions as
to dependants.

7. Section 39 of the principal Act is amended by striking out the passage "special magistrate" twice occurring therein and inserting in lieu thereof in each case the word "Judge".

Amendment of
principal Act,
s. 40—
Arbitration by
Local Court
Judge.

8. Section 40 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection :—

(1) Every matter which is to be settled by arbitration under this Act shall be settled, in accordance with the practice and procedure prescribed by rules of court, by a single arbitrator who shall be a Judge. ;

and

(b) by striking out subsections (2) and (4).

Amendment of
principal Act,
s. 41—
Appeal.

9. Section 41 of the principal Act is amended by striking out from subsection (2) the passages "or the same or some other special magistrate", "or proceedings" and "or special magistrate, or both,".

Amendment of
principal Act,
s. 41a—
Power to
state special
case.

10. Section 41a of the principal Act is amended by striking out from subsection (1) and from subsection (4) the passage "or special magistrate".

- 11.** Section 42 of the principal Act is amended by striking out the passage "or special magistrate".
- 12.** Section 43 of the principal Act is amended by striking out the passage "special magistrate" and inserting in lieu thereof the word "arbitrator".
- 13.** Section 44 of the principal Act is amended by striking out the passage "or special magistrate".
- 14.** Section 46 of the principal Act is amended—
- (a) by striking out the passage "or special magistrate" twice occurring therein ;
- and
- (b) by striking out the passage "special magistrate" lastly occurring therein and inserting in lieu thereof the word "arbitrator".
- 15.** Section 47 of the principal Act is amended by striking out the passage "the special magistrate may," and inserting in lieu thereof the passage "another Judge may, pursuant to rules of court, and,".
- 16.** Section 49 of the principal Act is amended by striking out the passage "the special magistrate" and inserting in lieu thereof the passage "an arbitrator".
- 17.** Section 50 of the principal Act is amended by striking out the passage "The special magistrate" and inserting in lieu thereof the passage "A Judge".
- 18.** Section 51 of the principal Act is amended by striking out the passage "the special magistrate" and inserting in lieu thereof the passage "a Judge".
- 19.** Section 51a of the principal Act is amended by striking out from subsection (2) the passage "special magistrate" and inserting in lieu thereof the word "Judge".

Amendment of principal Act, s. 42—
Powers of arbitrator as to witnesses and documents.

Amendment of principal Act, s. 43—
Arbitrator may summon medical referee as assessor.

Amendment of principal Act, s. 44—
Report of medical referee.

Amendment of principal Act, s. 46—
Costs.

Amendment of principal Act, s. 47—
Failure of arbitrator to act.

Amendment of principal Act, s. 49—
Recording of memorandum where workman returns to work at same wages.

Amendment of principal Act, s. 50—
Rectification of register.

Amendment of principal Act, s. 51—
Power of clerk to refuse to record agreement in certain cases.

Amendment of principal Act, s. 51a—
Powers of clerk in relation to agreements.

Amendment of
principal Act,
s. 52—
De-registration
of agreement
in some cases.

20. Section 52 of the principal Act is amended by striking out the passage "The special magistrate" and inserting in lieu thereof the passage "A Judge".

Amendment of
principal Act,
s. 54—
What court to
have juris-
diction.

21. Section 54 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "special magistrate" twice occurring and inserting in lieu thereof in each case the word "Judge";

and

(b) by striking out from subsection (2) the passage "such magistrate" and inserting in lieu thereof the passage "the Judge".

Amendment of
principal Act,
s. 55—
Duties to be
part of duties
of local courts.

22. Section 55 of the principal Act is amended by striking out the passage "special magistrate" and inserting in lieu thereof the word "Judge".

Amendment of
principal Act,
s. 58—
Costs to be
taxed.

23. Section 58 of the principal Act is amended by striking out the passage "or special magistrate".

Amendment of
principal Act,
s. 59—
Persons under
disability
need not be
represented.

24. Section 59 of the principal Act is amended by striking out the passage "or special magistrate".

Amendment of
principal Act,
s. 60—
Directions for
representation
of such
persons.

25. Section 60 of the principal Act is amended by striking out the passage "or special magistrate".

Amendment of
principal Act,
s. 61—
Investment of
payment in
case of death.

26. Section 61 of the principal Act is amended by striking out from subsection (2) the passage "special magistrate" and inserting in lieu thereof the word "Judge".

Amendment of
principal Act,
s. 63—
Payment of
weekly sum
due to person
under
disability.

27. Section 63 of the principal Act is amended by striking out the passage "special magistrate" and inserting in lieu thereof the word "Judge".

Amendment of
principal Act,
s. 64—
Power to vary
order or
award.

28. Section 64 of the principal Act is amended by striking out the passage "special magistrate" thrice occurring therein and inserting in lieu thereof in each case the word "Judge".

29. Section 65 of the principal Act is amended by striking out the passage "the special magistrate" and inserting in lieu thereof the passage "a Judge".

Amendment of principal Act, s. 65—
Investment in insurance society.

30. Section 68 of the principal Act is amended by striking out the passage "special magistrate" and inserting in lieu thereof the word "Judge".

Amendment of principal Act, s. 68—
Payment out of bank.

31. Section 112 of the principal Act is amended —

Amendment of principal Act, s. 112—
Rules of local courts.

(a) by striking out the passage "Local Courts Act, 1926," and inserting in lieu thereof the passage "Local and District Criminal Courts Act, 1926-1969,";

(b) by striking out the passage "special magistrates" firstly occurring therein and inserting in lieu thereof the word "Judges";

(c) by striking out the passage "relates to such courts or magistrates" and inserting in lieu thereof the passage "relates to such courts, Judges";

(d) by striking out the passage "special magistrates" secondly occurring therein and inserting in lieu thereof the word "Judges";

and

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

(2) Without limiting or otherwise affecting the generality of subsection (1) of this section, rules of court made under that subsection may provide for the performance by a special magistrate or by special magistrates of such duties and functions placed upon Judges by the provisions of this Act as are prescribed either generally or in special cases by those rules and may make provision for such matters as are incidental thereto or consequential thereon.

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

J. W. HARRISON, Governor.