



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 94 of 1973

An Act to amend the Workmen's Compensation Act, 1971.

[Assented to 13th December, 1973]

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, 1973". Short titles

(2) The Workmen's Compensation Act, 1971, (being Act No. 36 of 1971) as amended by the Workmen's Compensation Act Amendment Act, 1971, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1971-1973".

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

3. The following section is enacted and inserted in the principal Act immediately after section 6 thereof:— Enactment of s. 6a of principal Act—

6a. Where any injury was caused to a workman before the commencement of this Act and up to the time of that commencement proceedings under the repealed Act in relation to that injury could not have been commenced but on or after the commencement of this Act such proceedings could have been commenced, had this Act not been enacted, then this Act shall apply and have effect and be deemed always to have applied and had effect in all respects to and in relation to those Application of Act to certain injuries.

proceedings as if they were proceedings that could have been commenced under the repealed Act immediately before the commencement of this Act.

Amendment of
principal Act,
s. 8—
Interpretation.

4. Section 8 of the principal Act is amended—

(a) by inserting in subsection (1) immediately before the definition of "disease" the following definition:—

"child" in relation to a workman, includes an adopted child and an illegitimate child of the workman and any person in relation to whom the workman stands *in loco parentis*;

(b) by striking out from the definition of "injury" in subsection (1) the word "and" immediately following paragraph (a);

(c) by inserting after the word "disease" in paragraph (b) of the definition of "injury" in subsection (1) the passage "not being a coronary heart disease";

(d) by inserting in the definition of "injury" in subsection (1) after paragraph (b) the following word and paragraph:—

and

(c) the aggravation, acceleration, exacerbation, deterioration or recurrence, of any pre-existing coronary heart disease.;

(e) by striking out paragraph (a) from the definition of "Judge" in subsection (1) and inserting in lieu thereof the following paragraph:—

(a) a Judge of the Court;;

(f) by inserting after the definition of "Judge" in subsection (1) the following definition:—

"legal practitioner" means a legal practitioner as defined for the purposes of the Legal Practitioners Act, 1936-1972;;

(g) by striking out from subsection (1) the definition of "member of family" and inserting in lieu thereof the following definition:—

"member of family" in relation to a workman, means the wife, husband, father, mother, grandfather, grandmother, step-father, step-mother, child, grandchild, step-son, step-daughter, brother, sister, step-brother, step-sister, half-brother or half-sister of the workman and includes the sister of the father or mother of the workman;;

- (h) by striking out from the definition of "the Court" in subsection (1) the passage "under the Industrial Code, 1967, as amended" and inserting in lieu thereof the passage "in existence by the Industrial Conciliation and Arbitration Act, 1972";
- (i) by striking out from subsection (1) the definition of "the repealed Act" and inserting in lieu thereof the following definition:—
- "the repealed Act" means the Workmen's Compensation Act, 1932, as from time to time in operation;;
- (j) by inserting in the definition of "workman" in subsection (1) after the passage "clerical work or otherwise" the passage "and whether remunerated by salary, wages, commission or piece work rates or otherwise";
- and
- (k) by inserting immediately after subsection (1) the following subsection:—

(1a) Where any person (in this subsection referred to as "the principal") in the course of or for the purposes of his trade or business enters into a contract, agreement or arrangement with any other person or persons (in this subsection referred to as "the contractor" or "contractors") under which the contractor or contractors agree to perform personally any prescribed work or work of a prescribed class or kind the contractor or contractors shall, for the purposes of this Act, be deemed to be a workman or workmen employed by the principal, and the work the subject of the contract, agreement or arrangement shall be deemed to be the employment of that workman or those workmen and for the purposes of ascertaining the average weekly earnings of that contractor or each of those contractors the weekly earnings of that contractor or each of those contractors shall be deemed to be the rate of pay provided for by the industrial award or agreement, if any, applicable to a person employed or engaged in the same class of employment performed by the contractor or contractors in respect of the average number of hours worked by that contractor or contractors during the period in relation to which the average weekly earnings of the contractor or the contractors are to be ascertained and in any case where there is no such industrial award or agreement applicable, the average weekly earnings of the contractor or each of the contractors shall be ascertained in a manner determined by the Court.

Amendment of
principal Act,
s. 9—
Liability of
employers to
compensate
workmen for
injuries.

5. Section 9 of the principal Act is amended by inserting immediately after subsection (4) the following subsection—

(4a) In the case of an injury that is an aggravation, acceleration, exacerbation, deterioration or recurrence of any pre-existing coronary heart disease it shall be a defence to a claim for compensation for the employer to prove that the employment did not contribute to the injury.

Amendment of
principal Act,
s. 23—
Effect of,
and appeal
from order or
decision of
industrial
magistrate.

6. Section 23 of the principal Act is amended by inserting immediately after subsection (2) the following subsection:—

(3) An appeal under subsection (2) may be by way of re-hearing.

Amendment of
principal Act,
s. 25—
Representation.

7. Section 25 of the principal Act is amended by striking out the passage "as defined in the Legal Practitioners Act, 1936, as amended".

Amendment of
principal Act,
s. 34—
Inspection of
premises, etc.

8. Section 34 of the principal Act is amended by striking out the passage "make a reasonable inspection or examination of" and inserting in lieu thereof the passage "inspect, examine, make sketches of or take photographs of".

Amendment of
principal Act,
s. 35—
Registration of
agreements.

9. Section 35 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) In the case of any agreement not registered before the commencement of the Workmen's Compensation Act Amendment Act, 1973, where the Registrar is of the opinion—

(a) that in all the circumstances the agreement may work injustice to the workman or to the employer;

or

(b) that there is insufficient information before him for him to form an opinion as to whether or not the agreement may work injustice to the workman or to the employer,

the Registrar may—

(c) refuse to register the agreement;

or

(d) refuse to register the agreement until it has been amended in accordance with his directions.

(3a) For the purposes of the exercise of his powers under this section the Registrar may direct that, within the time specified in the direction, such additional information in relation to the matter specified in the direction shall be provided by the person specified in the direction.

(3b) Subject to subsection (4) of this section, a person shall not refuse or fail to comply with a direction under subsection (3a) of this section that is applicable to him.

Penalty: One hundred dollars.

10. The following section is enacted and inserted in the principal Act immediately after section 37 thereof:—

Enactment of
s. 37a of
principal Act—

37a. (1) Where a registered agreement provides for the payment of a lump sum to a workman and that lump sum is not paid within fourteen days of the day on which that agreement was registered then notwithstanding any term of the agreement there shall be payable to that workman in addition to the lump sum a penalty amount ascertained by reference to subsection (2) of this section and for the purposes of this Act any such penalty amount so payable shall be deemed to be an amount payable by way of compensation pursuant to that registered agreement by the person liable to pay the lump sum.

Penalty amount
for late
payment under
a registered
agreement.

(2) For the purposes of subsection (1) of this section the penalty amount is an amount equal to one per centum of the prescribed sum payable pursuant to the registered agreement for each week or part thereof that occurs within the period commencing on and including the fifteenth day that occurred after the registered agreement was registered and concluding on and including the day on which the lump sum together with the penalty amount was so paid to the workman.

(3) Where, on application by the person liable to pay a lump sum pursuant to a registered agreement, the Court is satisfied that the failure to pay that lump sum within the period of fourteen days required by subsection (1) of this section was not occasioned by the neglect or wilful delay of that person or his insurer the Court may direct that the penalty amount otherwise payable pursuant to that subsection shall not be so payable and upon that direction this section shall have effect accordingly.

(4) For the purposes of this section—

(a) "the prescribed sum" means an amount equal to the difference between the lump sum required to be paid pursuant to the agreement and the sum of the amounts, if any, included in that lump sum that the workman is, pursuant to any Act or law (including any Act of the Commonwealth) or pursuant to the agreement, required to pay to any other person or body;

and

(b) payment to any legal practitioner acting for the workman or to any agent of the workman shall be deemed to be payment to the workman.

Amendment of
principal Act,
s. 40—
Removal from
summary list.

11. Section 40 of the principal Act is amended by striking out the words and symbols “, by order,”.

Amendment of
principal Act,
s. 41—
Costs.

12. Section 41 of the principal Act is amended—

(a) by striking out from subsection (1) the word “In” being the first word in that subsection and inserting in lieu thereof the passage “Subject to subsection (1a) of this section, in”;

(b) by inserting immediately after subsection (1) the following subsections:—

(1a) The Court shall not order or award, against a workman who is a party to any proceedings under this Act, the costs of another party unless it is satisfied that in relation to those proceedings some special reason exists why it is proper that those costs be so ordered or awarded.

(1b) Where it appears to the Court that costs to a party have been improperly or without reasonable cause incurred by reason of the misconduct or default of a legal practitioner the Court may call on the legal practitioner to show cause why those costs should not be paid by the legal practitioner personally or, as the case requires, be repaid by the legal practitioner to the party incurring them and thereupon the Court may make such order as the justice of the case may require.;

(c) by striking out from subsection (2) the passage “solicitor for the person claiming compensation under this Act” and inserting in lieu thereof the passage “legal practitioner acting for a workman”;

(d) by striking out from subsection (2) the word “person” and inserting in lieu thereof the word “workman”;

and

(e) by inserting immediately after subsection (3) the following subsection:—

(4) In this section “proceedings under this Act” includes any matter or thing relating to the preparation of an agreement referred to in Division III of Part III of this Act and any other matter or thing whether or not of the same kind as the foregoing prescribed by the Rules of Court.

13. Section 45 of the principal Act is amended by inserting after the passage "Full Industrial Court" the passage "and any such appeal may be by way of re-hearing".

Amendment of principal Act, s. 45—
Appeals from Industrial Court.

14. The following section is enacted and inserted in the principal Act immediately after section 45 thereof:—

Enactment of s. 45a of principal Act—

45a. (1) Notwithstanding anything contained in this Act, on and after the commencement of the Workmen's Compensation Act Amendment Act, 1973, any appeal that might have been made to the Supreme Court from a decision or order of a Judge in respect of proceedings in relation to an injury that occurred before the commencement of this Act shall not be made to the Supreme Court but shall be made to the Full Industrial Court which may hear and determine that appeal as if it were an appeal to the Full Industrial Court brought under section 45 of this Act.

Certain appeals to be heard by Full Industrial Court.

(2) Nothing in subsection (1) of this section shall be construed as affecting the power of the Supreme Court to hear any appeal which had been commenced before the commencement of the Workmen's Compensation Act Amendment Act, 1973.

15. Section 46 of the principal Act is amended by inserting after the passage "for the consideration" the passage "of the Full Industrial Court or".

Amendment of principal Act, s. 46—
Case stated for Full Industrial Court or Full Court.

16. Section 49 of the principal Act is amended—

Amendment of principal Act, s. 49—
Amount of compensation when workman dies leaving dependants.

- (a) by striking out from subsection (1) the passage "three hundred", first occurring, and inserting in lieu thereof the passage "five hundred";
- (b) by striking out from paragraph (a) of the proviso to subsection (1) the passage "five thousand" and inserting in lieu thereof the passage "eight thousand";
- (c) by striking out from paragraph (a) of the proviso to subsection (1) the passage "three hundred" and inserting in lieu thereof the passage "five hundred";
- (d) by striking out from paragraph (b) of the proviso to subsection (1) the passage "fifteen thousand" and inserting in lieu thereof the passage "twenty-five thousand";
- (e) by striking out from paragraph (b) of the proviso to subsection (1) the passage "three hundred" and inserting in lieu thereof the passage "five hundred";

(f) by striking out from subsection (5) the passage "three hundred" and inserting in lieu thereof the passage "five hundred";

and

(g) by inserting immediately after subsection (7) the following subsection:—

(8) Where—

(a) the death of a workman referred to in subsection (1) of this section occurred before the commencement of the Workmen's Compensation Act Amendment Act, 1973, the preceding provisions shall apply and have effect as if that Act had not been enacted;

and

(b) the death of a workman referred to in subsection (1) of this section occurred on or after the commencement of the Workmen's Compensation Act Amendment Act, 1973, the preceding provisions of this section as amended by that Act shall apply and have effect whether or not the injury as a result of which he died occurred before, on or after that commencement.

Amendment of
principal Act,
s. 50—
Amount of
compensation
where workman
leaves no
dependants.

17. Section 50 of the principal Act is amended by striking out from paragraph (b) the passage "three hundred" and inserting in lieu thereof the passage "five hundred".

Amendment of
principal Act,
s. 51—
Compensation
for incapacity.

18. Section 51 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "the amount of compensation shall" the passage ", subject to subsection (5) of this section,";

(b) by striking out from subsection (1) the passage "not exceeding a sum equal to eighty-five per centum of" and inserting in lieu thereof the passage "equal to";

(c) by striking out from subsection (1) the passage "previous twelve months" and inserting in lieu thereof the passage "period of twelve months immediately preceding the incapacity";

(d) by striking out from subsection (1) the passage ", plus five dollars per week for each child totally or mainly dependent upon the earnings of the workman and, if the workman at the time of the injury had or during the

incapacity has a wife or any member of his family of or over the age of eighteen years, not being a child of the workman, totally or mainly dependent upon his earnings, an additional sum of thirteen dollars a week payable from the date of such dependency”;

- (e) by striking out subsection (2) and subsection (3) and inserting in lieu thereof the following subsection:—

(2) Where compensation under subsection (1) of this section is payable for incapacity for less than a week the amount of compensation payable under that subsection shall be an amount equal to the difference between the amount that the workman was entitled to be paid for his work during the part of the week he actually worked and the amount that he would have been paid for his work for that week had the incapacity not occurred.;

- (f) by striking out from paragraph (a) of subsection (4) the word “twelve” and inserting in lieu thereof the word “eighteen”;

- (g) by striking out paragraph (b) from subsection (4) and inserting in lieu thereof the following paragraph:—

(b) where the injury results in total permanent incapacity for work, exceed the sum of twenty-five thousand dollars or such greater amount as is fixed by the Court having regard to the circumstances of the case.;

- (h) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) No workman shall receive during total incapacity for work a lesser amount per week than an amount prescribed for the purposes of this subsection notwithstanding that the amount so prescribed exceeds the average weekly earnings of that workman immediately before that incapacity occurred.;

- (i) by striking out from subsection (6) the word “injury” twice occurring and inserting in lieu thereof in each case the word “incapacity”;

and

- (j) by inserting immediately after subsection (6) the following subsection:—

(7) Where immediately before the commencement of the Workmen's Compensation Act Amendment Act, 1973, a workman was receiving or was entitled to receive weekly payments at a rate set out in this section as in force immediately before that commencement,

that workman shall in respect of the period that occurs on and after that commencement receive or be entitled to receive weekly payments at the rate provided for by this section as in force on and after that commencement in lieu of those first mentioned weekly payments but this subsection shall not apply so as to increase the total liability of the employer provided for under this Act as in force immediately before the commencement of the Workmen's Compensation Act Amendment Act, 1973.

Amendment of
principal Act,
s. 52—
Unlawful
discontinuance
of weekly
payments.

19. Section 52 of the principal Act is amended by striking out from subsection (1) the word "Weekly" being the first word in that subsection and inserting in lieu thereof the passage "Except as is expressly provided by this Act, weekly".

Amendment of
principal Act,
s. 53—
Weekly
payments.

20. Section 53 of the principal Act is amended—

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

(1) Except as is provided in this section, payments by way of weekly payments of compensation provided for by this Part shall be made as soon as possible after the occurrence of the incapacity in respect of which they are payable and in any case not more than fourteen days after the workman has provided to his employer evidence of his incapacity, which evidence shall be in the form of a certificate from a legally qualified medical practitioner, together with an assertion in the prescribed form that the workman believes himself entitled to compensation in respect of that incapacity and thereafter shall be made on the days on which but for the incapacity the workman would have been paid his wages.;

(b) by striking out from subsection (2) the passage "two weeks" and inserting in lieu thereof the passage "fourteen days";

(c) by inserting in subsection (2) after the passage "application of that subsection" the passage "and of subsection (3a) of this section";

(d) by striking out from paragraph (a) of subsection (3) the passage "subsection (1) of" twice occurring;

(e) by inserting in paragraph (a) of subsection (3) after the passage "effect accordingly" the passage "but no modification of the application of this section shall have effect so as to render a penalty amount under this section payable in respect of any period during which the operation of subsection (1) of this section was, pursuant to subsection (2) of this section, suspended;

- (f) by striking out from paragraph (b) of subsection (3) the passage "subsection (1) of";
- (g) by striking out from paragraph (b) of subsection (3) the passage "that subsection" and inserting in lieu thereof the passage "this section,";
- (h) by inserting immediately after subsection (3) the following subsections:—

(3a) Where any weekly payment of compensation provided for by this Part is not paid within the period of fourteen days specified in subsection (1) of this section or, as the case may be, on the days specified in that subsection, there shall be payable to the workman entitled to be paid that weekly payment in addition to that weekly payment a penalty amount ascertained by reference to subsection (3b) of this section and for the purposes of this Act any such penalty amount shall be deemed to form part of a weekly payment of compensation provided for by this Part.

(3b) For the purposes of subsection (3a) of this section the penalty amount is an amount equal to one per centum of the amount of the weekly payment of compensation not paid as and within the time provided for by this section for each week or part thereof that occurs within the period commencing on and including the day next following the day on which, pursuant to this section that payment was required to have been made and concluding on and including the day on which payment was so made.

(3c) Without limiting or restricting the application or effect of this section an employer shall make the weekly payments of compensation provided for by this Part as and within the time so provided by this section.

Penalty: Two hundred dollars.

Default Penalty.;

and

- (i) by inserting immediately after subsection (5) the following subsection:—

(6) The Court may, on application by a workman entitled to weekly payments of compensation provided for by this Part, by order direct that those payments shall be made in a manner specified in the order and those payments shall be made accordingly.

Repeal of
s. 54 of
principal Act
and enactment
of section in
its place—

Holidays,
long service
leave and
annual leave.

21. Section 54 of the principal Act is repealed and the following section is enacted and inserted in its place:—

54. Weekly payments of compensation shall be payable to a workman pursuant to this Part during any period of incapacity notwithstanding that the workman has received or is entitled to receive in respect of that period any payment, allowance or benefit for holidays, annual leave or long service leave under any Act, whether of this State, of another State or of the Commonwealth, award or industrial agreement under any such Act, or contract of employment and the weekly payments so payable shall be the amount that would have been payable to the workman had he not received or been entitled to receive in respect of that period any such payment, allowance or benefit.

Enactment of
s. 56a of
principal Act—

Declaration to
be made by
workman.

22. The following section is enacted and inserted in the principal Act immediately after section 56 thereof:—

56a. (1) The employer of a workman, who is receiving weekly payments provided for by this Part, may from time to time, at intervals of not less than three months, require that workman to make a declaration in the prescribed form as to the remunerative employment, if any, in which the workman has been engaged during the period or any part of the period in respect of which the workman has so received those weekly payments.

(2) A requirement under subsection (1) of this section may be served on the workman either personally or by post.

(3) A workman shall not—

(a) refuse or fail to make a declaration referred to in subsection (1) of this section as and when he is, pursuant to that subsection, required so to do;

or

(b) make a statement in any such declaration that is false or misleading in a material particular.

Penalty: Five hundred dollars.

Amendment of
principal Act,
s. 59—
Additional
compensation.

23. Section 59 of the principal Act is amended—

(a) by striking out from subsection (1) the word “sixty” and inserting in lieu thereof the passage “, in total, one hundred and fifty”;

(b) by inserting in subsection (1) after the passage “damaged clothing” the passage “or personal effects”;

(c) by striking out from subsection (1) the passage "two hundred" and inserting in lieu thereof the passage "three hundred";

and

(d) by inserting in subsection (2) in the definition of "ambulance services" after the passage "by a vehicle" the passage ", including, and without limiting the generality of the foregoing, a vehicle owned, under the control of or driven by a workman,".

24. Section 60 of the principal Act is amended—

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

and

(b) by striking out the passage "twelve months previous to the injury" and inserting in lieu thereof the passage "twelve months previous to the incapacity".

Amendment of principal Act, s. 60—

Computation of average weekly earnings.

25. Section 62 of the principal Act is amended by striking out the word "injury" and inserting in lieu thereof the word "incapacity".

Amendment of principal Act, s. 62—

Average weekly earnings when employed by more than one employer.

26. Section 63 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 63 of principal Act and enactment of section in its place—

63. For the purposes of computing average weekly earnings of a workman any amount paid by the employer to the workman—

Certain amounts not to be included in earnings.

(a) to cover any special expenses entailed on the workman by the nature of his employment;

(b) by way of special rates paid to the workman to compensate for disabilities under which work has been performed;

or

(c) by way of any other prescribed payment, allowance or benefit,

shall not be reckoned as part of the earnings of the workman.

Repeal of s. 67
of principal Act
and enactment
of section in its
place—

27. Section 67 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Partial
incapacity to
be treated as
total.

67. For the purposes of determining the amount of weekly payments provided for by section 51 of this Act, partial incapacity for work shall be treated as total incapacity for work except—

(a) during any period in respect of which the employer proves that work for which the workman was fit was made available to the workman by the employer;

or

(b) during any period in respect of which the employer proves—

(i) that it was not reasonably practicable for the employer to make available to the workman work for which the workman was fit;

and

(ii) that such work was reasonably available to the workman elsewhere.

Amendment of
principal Act,
s. 68—
Regard to be
had to pay-
ments, allow-
ances to
workman.

28. Section 68 of the principal Act is amended by inserting after the passage "allowance, or benefit" the passage " , other than a payment, allowance or benefit of a kind referred to in section 54 of this Act,".

Amendment of
principal Act,
s. 69—
Fixed rates of
compensation.

29. Section 69 of the principal Act is amended—

(a) by striking out from subsection (7) the word "twelve" and inserting in lieu thereof the word "twenty";

(b) by inserting immediately after subsection (9) the following subsection:—

(9a) Where an injury in respect of which compensation is payable pursuant to this section was caused to a workman before the commencement of the Workmen's Compensation Act Amendment Act, 1973, the preceding provisions of this section and the table to this section shall apply and have effect to and in relation to that injury, as if that Act had not been enacted.;

and

(c) by striking out from the heading of the second column in the table to that section the figures "\$12,000" and inserting in lieu thereof the figures "\$20 000.00".

30. Section 70 of the principal Act is amended by striking out from subsection (3) the passage "nine thousand" and inserting in lieu thereof the passage "fourteen thousand".

Amendment of principal Act, s. 70—
Injuries not mentioned in the table.

31. Section 71 of the principal Act is amended—

Amendment of principal Act, s. 71—

(a) by striking out from the second sentence thereof the word "average";

Review of weekly payments.

(b) by inserting in the second sentence thereof after the passage "which would" the passage "pursuant to any industrial award or agreement";

and

(c) by striking out from the second sentence thereof the word "injury" and inserting in lieu thereof the word "incapacity".

32. Section 72 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 72—

(2) In settling a lump sum pursuant to subsection (1) of this section, the Court shall not, in any case, take into account any amount, that the employer may become liable to pay by way of weekly payments, beyond an amount of twenty-five thousand dollars.

Lump sum in redemption of weekly payments.

33. Section 82 of the principal Act is amended by striking out paragraph (a) from subsection (4) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 82—
Liability independently of this Act.

(a) after the workman has expressly agreed not to bring any proceedings against the employer in respect of such injury independently of this Act and that agreement has been incorporated in a judgment of the Court;

34. Section 123 of the principal Act is amended—

Amendment of principal Act, s. 123—

(a) by inserting in subsection (1) after the passage "employed by him" the passage "and for the purposes of this Act any liability to make a payment by way of a penalty amount under this Act shall be deemed to be a liability to pay compensation under this Act";

Compulsory insurance.

and

(b) by inserting immediately after subsection (4) the following subsection:—

(4a) Where a policy of insurance, at the time of issue, indemnified or indemnifies an employer for the full amount of his liability under this Act or the

repealed Act, whether that policy of insurance was issued before, on or after the commencement of the Workmen's Compensation Act Amendment Act, 1973, that policy of insurance shall, in respect of any injury sustained during the period of the policy or any renewal thereof and notwithstanding any term, limitation or condition expressed therein, have, and shall be deemed always to have had, effect as if it were a policy of insurance indemnifying that employer for that liability under this Act, as from time to time in force, or as the case may be, under the repealed Act as it was from time to time in force.

Enactment of
s. 125a of
principal Act—

35. The following section is enacted and inserted in the principal Act immediately after section 125 thereof:—

Default
Penalty.

125a. (1) Where in, or at the foot of, any section or part of a section of this Act there appears the expression "Default Penalty", it shall indicate that any person who is convicted of an offence against this Act in relation to that section or part shall be guilty of a further offence against this Act if the offence continues after he is so convicted and liable to an additional penalty for each day during which the offence so continues of not more than the amount expressed in the section or part as the amount of the default penalty or, if an amount is not so expressed, of not more than ten dollars.

(2) Where any offence is committed by a person by reason of his failure to comply with any provisions of this Act by or under which he is required or directed to do anything within a particular period, that offence, for the purposes of subsection (1) of this section shall be deemed to continue so long as the thing so required or directed to be done by him remains undone, notwithstanding that such period has elapsed.

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

M. L. OLIPHANT, Governor