



ANNO SEPTIMO

GEORGII VI REGIS.

A.D. 1943.

No. 39 of 1943.

An Act to amend the Workmen's Compensation Act,
1932-1941.

[Assented to 23rd December, 1943.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Workmen's Compensation Act Amendment Act, 1943".

(2) The Workmen's Compensation Act, 1932-1941, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1943".

(3) The Workmen's Compensation Act, 1932-1941, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

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

3. Section 18 of the principal Act is amended by striking out the word "fourteen" in the ninth line and inserting in lieu thereof the word "sixteen".

**Amendment of
s. 19 of
principal Act—
Aged and
infirm
workers.**

4. Section 19 of the principal Act is amended by adding at the end thereof the following proviso:—

Provided that any such agreement made, whether before or after the enactment of this proviso, between an employer and a workman over sixty years of age shall

be of no force or effect if, at the time when it was made, the workman had been in the employment of his employer for five years or more.

5. Section 25 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of s. 25 of the principal Act—
Payments and allowances to workman.

(3) A pension received by a workman on retirement from his employment shall not be regarded as a payment, allowance or benefit within the meaning of subsection (1) of this section.

6. The following section is enacted and inserted in the principal Act after section 58 :—

Enactment of s. 58a of principal Act—

58a. (1) Where—

Costs where dispute not submitted to arbitration.

(a) a workman has been in receipt of weekly payments under this Act ; and

(b) a dispute arises between the workman and the employer in relation to the continuance or amount of such payments ; and

(c) the workman reasonably employs a legal or medical practitioner or both to assist him in such dispute ; and

(d) the employer subsequently makes the weekly payment claimed by the workman without the matter being submitted to arbitration,

then the employer shall be liable to pay to the workman such amount (if any) of the costs or fees paid or payable by the workman to the legal or medical practitioner or both as the Master of the Supreme Court shall on taxation allow as being fair and reasonable: Provided that the amount so allowed in any case shall not exceed fifteen pounds.

(2) The sum so allowed on taxation shall be recoverable by the workman from the employer as a debt and the certificate of the Master shall be conclusive evidence that the amount mentioned therein is due to the person named therein.

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ment Act, 1943.

Amendment of
s. 61 of
principal Act.

7. Section 61 of the principal Act is amended by striking out in the second, third and fourth lines thereof the words "local court nearest to the place of residence of the deceased at the time of his death" and inserting in lieu thereof the word "court".

Amendment of
s. 97 of the
principal Act—
Consequential
amendment.

8. Section 97 of the principal Act is amended by inserting at the commencement thereof the words "Subject to section 97a".

Enactment of
s. 97a of
principal Act—

9. The following section is enacted and inserted in the principal Act after section 97 thereof :—

Reference of
decision of
board to a
Judge.

97a. If a workman or the Smelting Company is aggrieved by the action of the board in giving or refusing to give any certificate, or any other decision of the board, the matter shall, upon request in writing by the workman or the Smelting Company to the secretary of the board, be referred by him to a Judge of the Supreme Court who shall thereupon take evidence from the members of the board and such other medical practitioners as either party may desire to call, and his decision shall be final. The costs of the inquiry by the Judge shall be in accordance with the principles of this Act and in his discretion.

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

C. M. BARCLAY-HARVEY, Governor.