



ANNO QUINTO

## ELIZABETHAE II REGINAE

A.D. 1956.

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### No. 48 of 1956.

#### An Act to amend the Workmen's Compensation Act, 1932-1955.

[Assented to 22nd November, 1956.]

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, 1956". Short titles.

(2) The Workmen's Compensation Act, 1932-1955, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1956".

(3) The Workmen's Compensation Act, 1932-1955, is herein-after called "the principal Act".

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

3. Section 8 of the principal Act is amended—

(a) by striking out in lines 7 to 11 thereof the words "in respect of which the workman has contributed maintenance in his lifetime or has signed any agreement for support or any maintenance or pre-maternity order has been made against the workman"; and

Amendment of  
s. 8 of  
principal Act—  
Dependants  
entitled to  
pension.

(b) by adding at the end thereof the following passage :—

For the purpose of determining who are the dependants of a workman, a posthumous child of the workman shall be deemed to have been born before his death.

Enactment of  
s. 24a of  
principal Act—

4. The following section is enacted and inserted in the principal Act after section 24 thereof :—

Partial  
incapacity to  
be treated  
as total.

24a. If—

- (a) a workman has so far recovered from an injury as to be fit for some employment: and
- (b) he has taken all reasonable steps to obtain, and has failed to obtain, employment: and
- (c) it appears to the arbitrator that such failure to obtain employment is a consequence wholly or mainly of the injury,

the arbitrator shall order that the workman's incapacity shall be treated as total incapacity resulting from the injury for such period and subject to such conditions as are provided by the order, but without prejudice to the right of review conferred by this Act.

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

5. (1) The table in section 26 of the principal Act is amended as follows :—

- (a) The lines commencing "Total loss of the right arm" and "Total loss of the left arm" are struck out and the following line inserted in lieu thereof :—

Total loss of either arm or of the greater part of either arm..... 80

- (b) The line commencing "Total loss of the right hand" and the following line commencing "Total loss of the same" are struck out and the following line inserted in lieu thereof :—

Total loss of either hand or of five fingers of either hand or of the lower part of either arm..... 70

- (c) The figures "75" opposite to the words "Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye" are struck out and the figures "80" inserted in lieu thereof.

(d) The figures "50" opposite to the words "Total loss of hearing" are struck out and the figures "60" are inserted in lieu thereof.

(e) The lines entitled "Total loss of the thumb of the right hand" and "Total loss of the thumb of the left hand" are struck out and the following line inserted in lieu thereof:—

Total loss of either thumb ..... 30

(f) The two lines commencing "Total loss of the forefinger" are struck out and the following line inserted in lieu thereof:—

Total loss of the forefinger of either hand .. 20

(2) Subsection (7) of section 26 of the principal Act is repealed.

6. Section 82 of the principal Act is amended—

(a) by striking out the words "mentioned in the second schedule" in the third and fourth lines thereof; and

(b) by adding at the end thereof the following passage:  
For the purpose of this Part a disease shall not be regarded as being due to the nature of the employment in which a workman was employed, unless it was caused by the nature of the work which he was employed to do.

Amendment of  
s. 82 of  
principal Act—  
Industrial  
diseases.

7. Sections 3 to 6 (inclusive) of this Act shall apply only in relation to injury or death caused by an accident occurring after the commencement of this Act.

Application of  
Act.

In cases of injury or death by accident occurring before the commencement of this Act the provisions of the principal Act as in force immediately before the commencement of this Act shall apply.

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

J. M. NAPIER, Governor's Deputy.