



ANNO DECIMO QUARTO

## ELIZABETHAE II REGINAE

A.D. 1965

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## No. 52 of 1965

An Act to amend the Workmen's Compensation Act,  
1932-1963.

[Assented to 16th December, 1965.]

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, 1965".
- (2) The Workmen's Compensation Act, 1932-1963, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1965".
- (3) The Workmen's Compensation Act, 1932-1963, is hereinafter referred to as "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 principal Act, s. 4—**  
**Liability of employers to workmen for injuries.**
- 3.** Section 4 of the principal Act is amended—
- (a) by striking out the words "by accident" in subsection (1) thereof ;
- (b) by striking out the word "and" in the said subsection (1) thereof and inserting in lieu thereof the word "or" ;
- (c) by striking out the word "accident" in subsection (2) thereof and inserting in lieu thereof the word "injury" ;
- (d) by striking out the word "and" in the said subsection (2) thereof and inserting in lieu thereof the word "or" ;

- (e) by inserting after the word "workman" (first occurring) in paragraph (a) of subsection (2) thereof the word "is";
- (f) by striking out the words "of the workman" in the said subsection (2) thereof;
- (g) by striking out all the words after the passage "(whether such journey is to or from work)" in the said paragraph (a) of the said subsection (2) thereof;
- (h) by striking out the words "while the workman is travelling" in paragraph (e) of the said subsection (2) thereof and inserting in lieu thereof the words "on a journey taken by the workman";
- (i) by striking out the word "accident" (first occurring) in subsection (3) thereof and inserting in lieu thereof the word "injury";
- (j) by striking out the word "and" (first occurring) in the said subsection (3) thereof and inserting in lieu thereof the word "or"; and
- (k) by striking out all the words after the word "employer" (first occurring) in the said subsection (3) thereof.
- (l) by inserting therein after subsection (3) thereof the following subsection :—

(4) It shall be a defence to a claim for compensation for the employer to prove that the employment did not in any way contribute to the injury. The employment shall be deemed to contribute to the injury in any case referred to in subsection (2) or subsection (3) of this section.

4. Section 5 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding portion of the section being designated as subsection (1) thereof) :—

(2) No compensation shall be payable in respect of any injury occurring on any of the journeys referred to in paragraphs (a), (b) or (e) of subsection (2) of section 4 or on any journey referred to in subsection (3) of section 4 if the injury occurs during or after any substantial interruption of or substantial deviation from the journey made for a reason unconnected with the employment or unconnected with the attendance at the place or school (as the case may be) or during or after any other break not reasonably incidental to any such journey unless in the circumstances of the particular case the risk of injury was not materially increased by reason only of such substantial interruption or deviation or other break.

Amendment of  
principal Act,  
s. 5—  
Circumstances  
where liability  
does not exist.

Amendment of  
principal Act,  
s. 16—  
Amount of  
compensation  
when workman  
dies leaving  
dependants.

**5.** Paragraph (b) of subsection (1) of section 16 of the principal Act is amended by striking out the passage “three thousand two hundred and fifty” therein and inserting in lieu thereof the words “six thousand”.

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

**6.** Section 18 of the principal Act is amended—

- (a) by striking out the word “accident” in subsection (1) thereof and inserting in lieu thereof the word “injury”;
- (b) by striking out the words “three thousand five hundred” in subsection (3) thereof and inserting in lieu thereof the words “in the case of total incapacity six thousand”.
- (c) by inserting after the word “pounds” in the said subsection (3) thereof the words “and in the case of partial incapacity the sum of four thousand five hundred pounds”.

Amendment of  
principal Act,  
s. 18a—  
Additional  
compensation  
in respect of  
medical  
expenses.

**7.** Section 18a of the principal Act is amended—

- (a) by inserting after the word “renewals” in paragraph (b) of the definition of “medical services” in subsection (2) thereof the word “repairs”; and
- (b) by inserting before the word “arising” in subsection (6) thereof the words “or damage to any medical or surgical aid or curative appliance or apparatus”.

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

**8.** Section 26 of the principal Act is amended by striking out the words “three thousand five hundred pounds” in subsection (5) thereof and in the heading to the second column of the table therein and inserting the words “four thousand five hundred pounds” in each case.

Enactment of  
s. 28a of  
principal Act—

**9.** The following section is enacted and inserted in Part III of the principal Act after section 28 thereof:—

Compensation  
to be at  
current rates.

**28a.** Notwithstanding anything in this or any other Act contained, where—

- (a) compensation has been paid to a workman pursuant to this Part;
- (b) the workman has returned to work; and
- (c) the workman subsequent to his return to work dies or suffers incapacity as a result of the injury in respect of which the compensation was paid,

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the amount of compensation payable in respect of the death of the workman shall be computed and based upon the amount of compensation payable under this Act at the time of the death of the workman or, as the case may require, the amount of weekly compensation payable in respect of the subsequent incapacity shall be computed and based upon the rates of weekly compensation payable at the time of the subsequent incapacity.

Provided however that this section shall not apply where compensation has been paid to the workman in respect of the injury pursuant to section 26 of this Act.

**10.** The provisions of the principal Act specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of the Schedule. Consequentia amendments.

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

EDRIC BASTYAN, Governor.

## SCHEDULE.

## CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT.

Provision of Principal Act.	How Amended.
Section 10, subsection (3) ...	By striking out "accident" and inserting in lieu thereof "injury".
Section 18a, subsection (6) ..	By striking out "by accident".
Sections 20, 21, 22, 24 and 25	By striking out "and" first occurring and inserting in lieu thereof "or".
Sections 27 and 29— Subsections (1) and (5) ....	By striking out "accident" wherever occurring and inserting in lieu thereof "injury" in each case.
Subsection (2) .....	By striking out "accident happened" and inserting in lieu thereof "injury occurred".
Section 30 .....	By striking out "accident" first occurring and inserting in lieu thereof "injury".
Sections 32, 35 (subsection (3)), and 49 .....	By striking out "accident causing the".
Section 69— Subsections (2), (3), (5) and (6) .....	By striking out "accident" and inserting in lieu thereof "injury".
Subsection (4) .....	By striking out "by accident".
Section 70, subsection (1) ...	By striking out "caused by any accident".
Section 71, subsection (2) ...	By striking out "accident" and inserting in lieu thereof "injury".
Section 80, subsection (1) ...	By striking out "accident" twice occurring and inserting in lieu thereof "injury" in each case.
Section 81 .....	By striking out "accident happening" and inserting in lieu thereof "injury occurring".
Section 82 .....	By striking out "accident happened" in paragraph (a) and inserting in lieu thereof "injury occurred".
Paragraph (a) .....	By striking out "accident" second and fourth occurring and inserting in lieu thereof "injury" in each case.
Section 91, subsection (1) ...	By striking out "by accident".
Section 94 .....	By striking out "and" third occurring and inserting in lieu thereof "or".
Section 94e .....	By striking out "happening of the accident" and inserting in lieu thereof "occurrence of the injury".
Section 94f .....	By striking out the words "not being injuries by accident".
	By striking out "by accident".
	By striking out "by accident".
	By striking out "and" and inserting in lieu thereof "or".
	By striking out "by accident".
	By striking out "and" and inserting in lieu thereof "or".