



ANNO QUARTO

## GEORGI VI REGIS.

A.D. 1940.

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### No. 65 of 1940.

#### An Act to amend the Workmen's Compensation Act, 1932-1938.

[Assented to 5th December, 1940.]

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, 1940 " Short titles.
- (2) The Workmen's Compensation Act, 1932-1938, is referred to in this Act as " the principal Act ".
- (3) The Workmen's Compensation Act, 1932-1938, and this Act may be cited together as the " Workmen's Compensation Act, 1932-1940 ".
- (4) Sections 3 to 9 inclusive of this Act shall come into operation on a day to be fixed by the Governor by proclamation. The remaining sections of this Act shall come into operation on the day on which this Act receives the Royal Assent.
2. This Act is incorporated with the Workmen's Compensation Act, 1932-1938, and that Act and this Act shall be read as one Act. Incorporation.
3. Section 3 of the principal Act is amended by inserting at the end of the definition of " member of a family " the words " child adopted by the workman under the Adoption of Children Act, 1925-1934, father's sister, mother's sister ". Amendment of s. 3 of the principal Act—  
Definition of " Member of a family ".
4. Section 5 of the principal Act is amended by inserting at the end of paragraph (b) thereof the words " unless the injury results in the death or permanent total incapacity of the workman ". Amendment of s. 5 of the principal Act—  
Right to compensation in certain cases.

Amendment of  
s. 16 of the  
principal Act—  
Increase of  
compensation  
on death.

5. Section 16 of the principal Act is amended by striking out the word "six" in the last line of subsection (1) thereof and inserting in lieu thereof the word "seven", and by inserting after the word "hundred" in the last line of subsection (1) thereof the words "and fifty".

Amendment of  
s. 18 of the  
principal Act—  
Increase of  
compensation  
for incapacity.

6. Section 18 of the principal Act is amended by striking out the word "seven" in the second line of subsection (3) thereof and inserting in lieu thereof the word "eight".

Amendment of  
s. 19 of the  
principal Act—  
Compensation  
for aged and  
infirm workers.

7. Section 19 of the principal Act is amended as follows :—

- (a) The words "one hundred" in paragraph I. are struck out and the words "two hundred and fifty" inserted in lieu thereof :
- (b) The words "twenty shillings" in paragraph II. are struck out and the words "one pound ten shillings" inserted in lieu thereof :
- (c) The words "one hundred" in the last line are struck out and the words "three hundred" inserted in lieu thereof.

Amendment of  
s. 25 of the  
principal Act—  
Consequential  
amendment.

8. Section 25 of the principal Act is amended by inserting at the commencement thereof the words "Subject to section 34a".

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

9. Section 26 of the principal Act is amended as follows :—

- (a) The words "seven hundred" in subsection (5) and in the heading of the second column of the table at the end of section 26 are struck out and the words "eight hundred" are inserted in lieu thereof :

(b) The following subsection is added at the end of section 26 :—

(7) Where a workman habitually uses his left hand and arm to perform work usually performed by a workman with his right hand and arm—

- (a) the compensation payable to the workman for total loss of the left arm, or of the greater part of the left arm, or of the left hand, or of five fingers of the left hand, or of the lower part of the left arm, or of the thumb or fore-finger of the left hand, shall be the amount which would have been payable under the table set out in this section for similar losses of or injuries to the right arm or hand or the fingers or thumb of the right hand ; and

(b) the compensation payable to the workman for total loss of the right arm, or of the greater part of the right arm, or of the right hand, or of five fingers of the right hand, or of the lower part of the right arm, or of the thumb or forefinger of the right hand, shall be the amount which would have been payable under the said table for similar losses of or injuries to the left arm or hand or the fingers or thumb of the left hand.

10. Section 31 of the principal Act is amended by striking out the words "South Australia" in the second line thereof and by inserting in lieu thereof the words "the Commonwealth".

Amendment of s. 31 of the principal Act—  
Workmen ceasing to reside in Australia.

11. The following section is enacted and inserted in the principal Act after section 34 thereof :—

Enactment of s. 34a of principal Act—

34a. If, during the period of his incapacity, a workman at the request of the employer receives medical or surgical treatment, the cost of and incidental to such treatment shall not be a payment, allowance or benefit within the meaning of subsection (1) of section 25 of this Act.

Cost of medical and surgical treatment.

12. Section 41 of the principal Act is amended by inserting after the words "appealed from" in the third line of subsection (2) the words "or refer the case back to the arbitrator or the same or some other Special Magistrate for further hearing or re-hearing or reconsideration".

Amendment of s. 41 of principal Act—  
Powers of Supreme Court on appeal.

13. The following section is hereby inserted in the principal Act after section 41 thereof :—

Enactment of s. 41a of principal Act—

41a. (1) The arbitrator or Special Magistrate may at his discretion state a special case for the opinion of the Supreme Court on any question of law.

Power to state special case.

(2) The Supreme Court shall deal with every such special case according to the practice of the Supreme Court on special cases and may make such order thereon as to the Supreme Court seems just.

(3) The Supreme Court may send any such special case back for amendment, or may itself amend the same.

(4) The arbitrator or Special Magistrate shall give his decision in accordance with the opinion of the Supreme Court.

**Workmen's Compensation Act Amendment Act, 1940.**

Amendment of  
s. 94h of the  
principal Act—

**14.** Section 94h of the principal Act is amended by adding at the end thereof the following passage :—

Amending  
Schemes.

Such subsequent scheme need only set out the extensions or variations of the scheme which it extends or varies.

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

C. M. BARCLAY-HARVEY, Governor.