

WORKERS' COMPENSATION.

5° Elizabeth II., No. LXXX.

No. 80 of 1956.

AN ACT to amend the Workers' Compensation Act, 1912-1954.

[Assented to 17th January, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Workers' Compensation Act Amendment Act, 1956.*

Short title
and citation.

(2) In this Act the Workers' Compensation Act, 1912-1954,

Reprinted
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1954:
Approved
for Reprint
26th April,
1954.

Act No. 69 of 1919 as reprinted with amendments to and including Act No. 88 of 1953 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and further amended by Act No. 74 of 1954,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1912-1956.

(4) This Act shall come into operation on the thirty-first day of January, one thousand nine hundred and fifty-seven.

S. 4 (5)
amended.
(Cf. No. 74 of
1954, s. 2.)

2. Subsection (5) of section four of the principal Act is amended—

(a) by adding after the subsection designation "(5)" the paragraph designation "(a)";

(b) by adding after the word "shall" in line nineteen the passage ", subject to the provisions of paragraphs (b) and (c) of this subsection,";

(c) by adding the following paragraphs:—

(b) The amount of any daily or weekly payment or allowance payable in accordance with the First Schedule to this Act, as so increased or decreased, shall be calculated in pounds, shillings and pence and adjusted to the nearest shilling, and for the purposes of the adjustment, if the pence in any amount so calculated amount to sixpence, those pence shall be regarded as one shilling.

(c) The amount of any other benefit, not being a benefit referred to in paragraph (d) of clause one of the First Schedule, as so increased or decreased, shall be calculated in pounds, shillings and pence and adjusted to the nearest

pound, and for the purposes of the adjustment, if the shillings in any such amount comprising only pounds and shillings amount to ten shillings, those shillings shall be regarded as one pound.

3. Section four of the principal Act is amended by adding after subsection (5) a subsection as follows:—

(6) The amounts

- (a) of total liability of an employer limited by section ten A of this Act;
- (b) (i) of three thousand pounds referred to in subparagraph (i) of paragraph (a),
- (ii) of twenty shillings referred to in the paragraph following subparagraph (iii) of paragraph (c), and
- (iii) of two pounds ten shillings referred to in the paragraph following subparagraph (iii) of paragraph (c)

of Clause one of the First Schedule to this Act shall, notwithstanding the provisions of subsection (5) of this section, be subject only to any increase or decrease in proportion to any alteration in the basic wage as declared by the Court of Arbitration after, but not before, the coming into operation of the Workers' Compensation Act Amendment Act, 1956.

4. Section five of the principal Act is amended—

S. 5
amended.

- (a) by adding after the word "step-daughter" in line eight of the interpretation "Member of a family" the passage "(whether the stepson or step-daughter is legally adopted by the worker or not)";

- (b) by substituting for the words "practising such particular branch in a major degree" in lines seven and eight of the interpretation "specialist" the words "a specialist in that particular branch".

S. 8
amended.

5. Section eight of the principal Act is amended—

- (a) by adding after the word "shall" in line nine of subsection (13) the passage ", except in respect of the weekly payments, if any, which he is receiving or to which he is entitled under the provisions of the First Schedule to this Act,";
- (b) by adding after the passage "Workers' Compensation Act Amendment Act, 1954" in paragraph (d) of subsection (14) the passage: "; or
- (e) of the sum of two thousand four hundred pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1956."

6. The principal Act is amended by adding after Section ten a section as follows:—

10A. Notwithstanding any other provisions of this Act which limit the total liability of an employer for compensation for injury to a worker where, after the coming into operation of the Workers' Compensation Act Amendment Act, 1956, a worker suffers personal injury by accident which arises out of or in the course of his employment and which results in permanent total incapacity, the employer shall be liable to pay as compensation to the worker for that injury a sum inclusive of weekly payments not exceeding two thousand seven hundred and fifty pounds.

7. Section eleven of the principal Act is amended by substituting for the words "liability for permanent total incapacity" in line nine of subsection (1) this passage "the sum of two thousand four hundred pounds".

8. Subsection (3) of section thirteen of the principal Act is amended by inserting after the word "insurer" in line nine the passage "the employer shall include in the statement as wages paid to his employees every sum paid during that period to an employee in respect of overtime worked by the employee, but".

S. 13
amended.

9. Subsection (1) of section twenty-one A of the principal Act is amended—

S. 21A (1)
amended.

(a) by adding after the subsection designation "(1)" the paragraph designation "(a)";

(b) by substituting for the words "practising such particular branch in a major degree" in lines nine and ten the words "specialists in that particular branch";

(c) by adding the following paragraph:—

(b) Where the Medical Board is of the opinion that a medical practitioner, whose name appears in The Register of Specialists as a specialist in a particular branch of medicine or surgery, has ceased to be a specialist in that branch, the Board may remove his name from the register.

10. Subsection (8) of section twenty-nine of the principal Act is amended by substituting for the word "The" in line one the passage "Within a period of thirty days after the Board makes or delivers an order, ruling or decision on any matter in dispute, the Board shall cause a copy of the order, ruling or decision, as the case may be, and the reasons therefor, to be sent to every insurer approved by the Minister under section thirteen of this Act, and the".

S. 29
amended.

S. 35
amended.

11. Subsection (1) of section thirty-five of the principal Act is amended by adding after paragraph (c) the following paragraph—

- (ca) fixing scales of fees to be paid to physiotherapists for attendance on and treatment of injured workers in cases where those fees are not determined by agreement between the Western Australian Branch of the Physiotherapists Association and insurers approved under the provisions of this Act; .

First
Schedule,
Clause 1
amended.

12. Clause one of the First Schedule to the principal Act is amended—

(Cf. No. 74 of
1954, s. 9.)

- (a) by substituting for the words “two thousand five hundred” in line three of subparagraph (i) of paragraph (a) the words “three thousand”;

(Cf. No. 74 of
1954, s. 10.)

- (b) by adding after the word “earnings” in line sixteen of subparagraph (iii) of paragraph (c) the following passage:—

: Provided that a female worker, engaged in an occupation or industry, whose weekly rate of pay is not less than the weekly rate of pay of a male worker engaged in the same occupation or industry shall, after the coming into operation of the Workers' Compensation Act Amendment Act, 1956, for the purposes of this subparagraph, be regarded as a male worker. ;

(Cf. No. 74 of
1954, s. 10.)

- (c) by substituting for the words “sixteen shillings” in line one of the paragraph following subparagraph (iii) of paragraph (c) the words “twenty shillings”;
- (d) by adding after the words “dependent child” in line three of the paragraph following subparagraph (iii) of paragraph (c) the words “or dependent step-child”;
- (e) by adding after the word “child” in line six of the paragraph following subparagraph (iii) of paragraph (c) the words “or step-child”;

- (f) by adding before the words "per week" in line eight of the paragraph following subparagraph (iii) of paragraph (c) the words "ten shillings";
- (g) by deleting the words "or surgical" in lines five and six of proviso (c) to paragraph (c).

(Gr. No. 74 of 1954, B. 10.)

13. Clause seven of the First Schedule to the principal Act is amended—

First Schedule, Clause 7, amended.

- (a) by deleting the word "and" in line three of paragraph (a);
- (b) by substituting for the word "has" in line four of paragraph (a) the word "shall";
- (c) by substituting for the word "furnished" in line five of paragraph (a) the word "furnish";
- (d) by substituting for the word "then" in line seven of paragraph (a) the passage "and, after the copy of the report is so furnished,";
- (e) by adding after paragraph (d) a new paragraph as follows:—

(da) Where following a clinical examination and or an examination of X-ray films, a specialist is of the opinion that specialist treatment is desirable an injured worker shall, if required by his employer obtain treatment from a specialist selected by the worker from those whose names appear on The Register of Specialists maintained by the Medical Board under the provisions of section twenty-one A of this Act, and the employer shall be liable for the full cost of the specialist treatment and for necessary hospital charges incurred by the worker in connection with that treatment.

14. Clause eleven of the First Schedule of the principal Act is amended by substituting for the words "four hundred" in line five of subclause (i) the words "seven hundred and fifty".

First
Schedule,
Clause 15,
amended.

15. Clause fifteen of the First Schedule to the principal Act is amended by adding after paragraph (a) of the proviso to subclause (1) the following paragraph—

- (aa) no agreement between a worker and an employer shall have any force or validity if it exempts the employer wholly or partially from any liability for compensation to which the worker is or may subsequently become entitled under the provisions of this Act, and notwithstanding any such agreement, a worker may recover from his employer any compensation to which he is, or subsequently becomes, so entitled. Provided that this paragraph shall have no application to agreements for the redemption of future weekly payments duly recorded under the provisions of this clause.

Second
Schedule
amended.

16. The Table contained in the Second Schedule to the principal Act is amended by substituting for the words "one pound" appearing under the heading "Amount of compensation payable" and opposite and corresponding to the item "Total and incurable paralysis of the limbs or of mental powers", the words "three pounds".
