

WORKERS' COMPENSATION.

2° Elizabeth II., No. LXXXVIII.

No. 88 of 1953.

AN ACT to amend the Workers' Compensation Act,
1912-1952.

[Assented to 21st January, 1954.]

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, 1953*.

(2) In this Act the Workers' Compensation Act, 1912-1952—

Short title
and citation.

Act No. 69 of 1912, as reprinted with amendments to and including Act No. 77 of 1948, incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts No. 33 of 1949, 48 of 1951 and 64 of 1952,

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is referred to as the principal Act.

(3) The principal Act, as amended by this Act, may be cited as the *Workers' Compensation Act, 1912-1953*.

(4) This Act shall come into operation on a date to be fixed by proclamation.

S. 5
amended.

2. Section five of the principal Act is amended by deleting from the interpretation, "Dependants" the words in the last three lines, with the exception of the words, "other country" and adding the words "but does not include such members of the worker's family who do not reside permanently in the State at the time the worker dies or is incapacitated if his death or incapacity occurs after a period of five years of his first residing in the State".

S. 7
amended.
Cf. No. 48 of
1951, s. 14.

3. Subsection (3) of section seven of the principal Act is amended by substituting for the words, "one thousand seven hundred and fifty pounds"

in line fourteen of paragraph (a);

in lines five and six of paragraph (f); and

in lines ten and eleven of paragraph (g);

the words, "two thousand one hundred pounds".

S. 8
amended.

4. Section eight of the principal Act is amended by—

Cf. No. 48 of
1951, s. 14.

(a) substituting for the words, "one thousand seven hundred and fifty pounds" in lines twelve and thirteen of subsection (14) the words, "two thousand one hundred pounds";

(b) substituting for the words, "Any worker who subsequent to the coming into operation of the Workers' Compensation Act Amendment Act, 1948, receives the full amount of one thousand two hundred and fifty pounds, or who prior to the coming into operation of such Act received the full amount of seven hundred and fifty pounds in respect of such period or periods of incapacity" in lines twenty-three to twenty-six (inclusive) of subsection (14) the words, "A worker who has received the full amount of compensation—

(a) of seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1948;

(b) of one thousand two hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1951;

- (c) of one thousand seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1953; or
- (d) after the coming into operation of the Workers' Compensation Act Amendment Act, 1953, of the sum of two thousand one hundred pounds in respect of such period or periods of incapacity or, in the case of a worker whose disease has resulted in an injury also entitling him to compensation under the Second Schedule of the Act, of the appropriate maximum amount in respect of such period or periods of incapacity and such injury".

5. Subsection (3) of section eleven of the principal Act is amended by substituting for the words, "one thousand seven hundred and fifty pounds" in line eight the words, "two thousand one hundred pounds".

S. 11
amended.
Cf. No. 48 of
1951, s. 14.

6. Subsection (3) of section twenty-nine of the principal Act is amended by adding after the word, "just" being the last word in paragraph (a) the words, "but in considering a question as to whether a person who resides outside the State is a dependant of a worker, the Board shall require proof by or including documentary evidence that the worker has, wholly or in part, as the case may be, supported the person and shall not accept as sufficient proof a statutory declaration or affidavit unsupported by documentary evidence to that effect".

S. 29
amended.

7. Subsection (1a) of section thirty of the principal Act is repealed and re-enacted as follows:—

S. 30
amended.

(1a) (a) In this subsection—

Cf. No. 64 of
1952, s. 2 (b).

"initial determination" means the first determination made by the Premium Rates Committee after the coming into operation of the Workers' Compensation Act Amendment Act, 1953, in respect of the rate;

“rate” means the premium rate to be charged for insurance by employers against liability under this Act in respect of silicosis, pneumoconiosis, and miner’s phthisis arising out of or in the course of employment in any of the processes mentioned in the Third Schedule to this Act as mining, quarrying, or stone crushing or cutting, or stone or metal screening;

“recommendation” means a recommendation made by a qualified actuary as the result of investigation made by him as to the rate which should be charged; and

“triennial determination” means a determination made by the Premium Rates Committee in respect of the rate of the expiration of any period of three years from the initial determination.

(b) As soon as is practicable after the coming into operation of the Workers’ Compensation Act Amendment Act, 1953, the Premium Rates Committee shall obtain a recommendation.

(c) If by his recommendation the actuary recommends an alteration of a rate the Premium Rates Committee shall give effect to the recommendation by the initial determination.

(d) Until the Premium Rates Committee receives the recommendation, the Committee shall not alter the rate already determined without the approval of the Minister.

(e) After the initial determination the Premium Rates Committee shall not alter the rate except at a triennial determination.

8. Paragraph (a) of clause one of the First Schedule to the principal Act is amended by—

(a) substituting for the words, “one thousand five hundred pounds” in line three of subparagraph (i) the words, “one thousand eight hundred pounds”;

(b) substituting for the words, “fifty pounds” in line four of subparagraph (i) the words, “sixty pounds”;

Paragraph
(a) of clause
one of the
First
Schedule
amended.

Cf. No. 48 of
1951, s. 12 (a).

- (c) substituting for the words, "five hundred pounds" in lines seven and eight of that proviso the words, "six hundred pounds";
- (d) substituting for the words, "fifty pounds" in line eight of that proviso the words, "sixty pounds".

9. Paragraph (c) of clause one of the First Schedule to the principal Act is amended by—

Paragraph (c) of clause one of the First Schedule amended.

- (a) substituting for the words, "ten shillings" in line twenty-two the words, "twelve shillings and sixpence";
- (b) substituting for the words, "one pound ten shillings" in line twenty-seven the words, "one pound sixteen shillings";
- (c) substituting for the words, "one thousand seven hundred and fifty" in lines thirty-seven and thirty-eight the words, "two thousand one hundred".

Cf. No. 48 of 1951, s. 12 (e).

10. The proviso to clause one of the First Schedule to the principal Act is amended by—

Proviso to clause one of the First Schedule amended.

- (a) substituting for the words, "three pounds" appearing in lines three, seven, eight, and nine of paragraph (a) the words, "three pounds twelve shillings";
- (b) substituting for the words and figures, "Public Hospitals Act, 1937" in line eight of subparagraph (i) of paragraph (d), the words and figures, "Hospitals Act, 1927";
- (c) substituting for the words, "thirteen shillings" in line ten of paragraph (e) the words, "fifteen shillings and sixpence"; and
- (d) substituting for the words, "four pounds" in line eleven of paragraph (e) the words, "four pounds sixteen shillings".

Cf. No. 48 of 1951, s. 12 (h).

Cf. No. 64 of 1952, s. 5.

Cf. No. 48 of 1951, s. 12 (p).

Cf. No. 48 of 1951, s. 12 (p).

11. Paragraph (b) of clause four of the First Schedule to the principal Act is amended by—

Clause four of the First Schedule amended.

- (a) substituting for the words, "thirteen shillings" in line seven the words, "fifteen shillings and sixpence"; and
- (b) substituting for the words, "four pounds" in line seven the words, "four pounds sixteen shillings".

Cf. No. 64 of 1952, s. 6 (a).

Cf. No. 64 of 1952, s. 6 (b).

Clause eleven
of the First
Schedule
amended.
Cf. No. 64 of
1952, s. 7.

12. Paragraph (i) of clause eleven of the First Schedule to the principal Act is amended by substituting for the words, "one thousand seven hundred and fifty pounds" in lines four and five the words, "two thousand one hundred pounds".
