

WORKERS' COMPENSATION.

15° and 16° Geo. VI., No. XLVIII.

No. 48 of 1951.

AN ACT to amend the Workers' Compensation Act, 1912-1949.

[Assented to 2nd January, 1952.]

BE it enacted by the King'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. This Act may be cited as the *Workers' Compensation Act Amendment Act, 1951*, and shall be read as one with the Workers' Compensation Act, 1912-1949 (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 approved for reprint on the 2nd February, 1949, and as further amended by Act No. 33 of 1949), referred to in this Act as the principal Act. Short title.

2. The principal Act, as amended by this Act, may be cited as the *Workers' Compensation Act, 1912-1951*. Citation of principal Act as amended by this Act.

Commence-
ment.

3. This Act shall come into operation on a date to be fixed by Proclamation.

S. 5
amended.

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

(a) adding before the word, "of" firstly appearing in line eighteen of the interpretation, "Employer" the words, "or (c)";

(b) adding after the interpretation, "Ship" the following interpretation—

"specialist" means a qualified medical practitioner duly registered under the *Medical Act, 1894-1950*, who has made a special study of some particular branch of his profession and who is recognised by the Medical Board appointed under the *Medical Act, 1894-1950*, as practising such particular branch in a major degree;

(c) substituting for the words, "seven hundred and fifty" appearing firstly in line two, secondly in line seventy-two and thirdly in line seventy-five of the interpretation, "worker" the words, "one thousand two hundred and fifty".

S. 10
amended.

5. Section ten of the principal Act is amended—

(a) by adding after the word, "to" in line seventeen of paragraph (c) of section ten, the words, "cease work and";

(b) by adding after the word, "practicable", being the last word in paragraph (c) of subsection (1) the word, "and", and the following paragraph—

(d) the worker obtains a certificate from a duly qualified medical practitioner within seventy-two hours of the accident, or within such longer period as may be justified only by the distance between the place where the accident is sustained and the

surgery of the nearest medical practitioner, or the impossibility of obtaining a duly qualified medical practitioner to give such a certificate, that the hernia is of recent development or an aggravation or strangulation of a pre-existing hernia and is consistent with the nature of the accident, unless the Board is of opinion that owing to circumstances beyond the worker's control he was unable so to obtain the certificate, the intention being that the certificate shall be obtained so soon after the accident as is practicable.

Notwithstanding anything contained in the preceding paragraphs of this section, the Board, on application by the worker, shall decide whether the worker is entitled to have his hernia accepted as an injury within the meaning of the Act, and the decision of the Board shall be final.

6. Section fourteen of the principal Act is amended by— S. 14 amended.

- (a) repealing subsection (1);
- (b) substituting for all words in the first five lines of subsection (2) the following words—
“Every approved insurance office shall within fourteen days of the close of each calendar month transmit to the Minister”.

7. Subsection (1) of section fifteen of the principal Act is amended by substituting for the word, “ten”, being the last word in the subsection, the words, “thirteen of this Act”. S. 15 amended.

8. Subsection (4) of section eighteen of the principal Act is amended by substituting for the figure and letter, “1 (a)” in line three, the figure “2” in brackets thus—“(2)”. S. 18 amended.

S. 21A added.

9. The following section is added to the principal Act—

21A. (1) The Medical Board appointed pursuant to the provisions of the *Medical Act, 1894-1950*, shall, for the purposes of this Act, prepare and maintain a register to be called "The Register of Specialists," containing the names of all qualified medical practitioners practising in Western Australia who have made a special study of some particular branch of medicine or surgery and who are recognised by the Medical Board as practising such particular branch in a major degree, and shall furnish the Board with a list containing the names of specialists recorded in the register and the particular branch of the profession in which each has specialised, and shall also immediately advise the Board of any name added to or removed from the register.

(2) No action shall be maintained or brought against the Medical Board or any member thereof by reason of anything done or omitted in good faith in the discharge of the duties imposed by the last preceding subsection.

S. 27
amended.

10. Section twenty-seven of the principal Act is amended by—

(a) adding after the word, "compensation" in the last line of paragraph (b) of subsection (1) the words, "and who does not pay the compensation due within thirty days of the obtaining of an award by the worker or his representative";

(b) adding the following subsection to follow subsection (1):—

(1a) (a) Upon payment of compensation being made by the Board pursuant to the provisions of the last preceding subsection, the Board may immediately institute proceedings against such employer for the recovery of the amount

of compensation paid and any costs incurred in the settlement of the claim, or in the recovery action against the employer, by issuing a certificate showing particulars of the amount and lodging the certificate in the appropriate court of competent jurisdiction.

(b) The certificate, when so lodged, shall, by virtue of the provisions of this subsection, be regarded as a judgment of the Court and, as such, may be enforced accordingly.;

- (c) adding after the words, "eight thousand pounds" in subparagraph (i) of paragraph (d) of subsection (5), the words, "or such other sum as is for the time being prescribed by the regulations".

11. Subsection (11) of section twenty-nine of the principal Act is amended by substituting for the word, "Board" in line one, the word, "Registrar". S. 29
amended.

12. Clause one of the First Schedule to the principal Act is amended by— First
Schedule,
clause 1,
amended.

- (a) substituting for the words, "one thousand pounds and an additional sum of twenty-five pounds" in lines three and four of subparagraph (i) of paragraph (a) the words, "one thousand five hundred pounds and an additional sum of fifty pounds";
- (b) deleting the words, "which additional sum shall be payable in the discretion of the Board" in lines eight and nine of subparagraph (i) of paragraph (a);
- (c) adding after the word, "thereof", being the last word in subparagraph (i) of paragraph (a), the words, "Provided that if the worker dies leaving a widow or mother wholly dependent upon his earnings or a dependent child or dependent step-child under the age of sixteen years wholly dependent upon his earnings, the amount payable under this

subparagraph shall be not less than five hundred pounds, plus fifty pounds for each dependent child”;

- (d) adding after the word, “pounds”, being the last word in subparagraph (iii) of paragraph (a), the words, “all or any part or parts of which may be awarded to and upon the application of any person by whom the expenses were properly incurred or to whom the whole or any part of the expenses is owed, and where claims for expenses exceed that sum, may be awarded in such proportions as to ensure a just distribution among claimants”;
- (e) substituting for the words, “one pound” in line thirteen of subparagraph (ii) of paragraph (c) the words, “one pound ten shillings”;
- (f) substituting for the word, “six” in line twenty of subparagraph (ii) of paragraph (c) the word, “eight”;
- (g) substituting for the words, “one thousand two hundred and fifty pounds” in the last two lines of subparagraph (ii) of paragraph (c), the words, “one thousand seven hundred and fifty pounds”;
- (h) deleting the word, “two” where it occurs in each of lines three, seven, eight and nine of paragraph (a) of the proviso and substituting in each case the word, “three”;
- (i) inserting after the word, “of” in line twelve of paragraph (c) of the proviso the words, “hearing aids”;
- (j) delete the word, “one” in line sixteen of paragraph (c) of the proviso and insert in lieu the word, “two”;
- (k) deleting the words, “except when the Board is of opinion, having regard to the circumstances of the case, that such amount is inadequate, in which event the Board may allow such additional amount as it deems

expedient, but not exceeding fifty pounds" in lines sixteen to twenty-one, inclusive, in paragraph (c) of the proviso;

- (l) substituting for all words between the word, "fifty" in line twenty-one and the word, "damage" in line twenty-three of paragraph (c) of the proviso to clause one the words, "pounds. In addition to such amount there shall be payable in the case of death, reasonable funeral expenses including all cemetery board charges, but not exceeding forty pounds and where";
- (m) deleting the word, "thirty" in line thirty-six of paragraph (c) of the proviso and substituting the word, "fifty";
- (n) deleting the word, "ten" in line forty-one of paragraph (c) of the proviso and substituting the word, "fifteen";
- (o) deleting the word, "thirty" in line forty-two of paragraph (c) of the proviso and substituting the word, "fifty";
- (p) substituting for the words, "ten shillings per day, but not exceeding the sum of three pounds per week" in lines ten and eleven of paragraph (e) of the proviso to clause one the words, "thirteen shillings per day, but not exceeding the sum of four pounds per week".

13. The Second Schedule to the principal Act is amended by substituting for the figures shown in the first column hereunder the figures shown in the second column hereunder—

Second
Schedule
amended.

Item.	First Column.	Second Column.
1	1,250	1,750
2	1,250	1,750
3	1,250	1,750
4	1,250	1,750
5	1,250	1,750
6	1,250	1,750
7	1,250	1,750
8	1,000	1,400
9	935	1,310
10	875	1,225
11	812	1,135

(Table—*continued.*)

Item.	First Column.	Second Column.
12	935	1,310
13	750	1,050
14	935	1,310
15	750	1,050
16	750	1,050
17	250	350
18	500	700
19	500	700
20	375	525
21	325	455
22	250	350
23	200	280
24	200	280
25	100	140
26	150	210
27	135	190
28	250	350
29	125	175
30	75	105
31	25	35
32	1,250	1,750
33	500	700

Ss. 7 (3) (a),
8 (14) and
11 (3)
amended
consequen-
tially to
s. 12 (g) of
this Act.

14. The principal Act is amended by substituting the words, "one thousand seven hundred and fifty pounds" for the words, "one thousand two hundred and fifty pounds" appearing in—

section seven, subsection (3), paragraph (a), line fourteen, paragraph (f), lines five and six and paragraph (g), lines ten and eleven;
section eight, subsection (14) firstly in lines twelve and thirteen and secondly in line twenty-four; and

section eleven, subsection (3), line eight.
