

WORKERS' COMPENSATION

13° Geo. VI., No. CXIX.

No. 33 of 1949.

AN ACT to amend the Workers' Compensation Act, 1912-1948.

[Assented to 26th October, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1949*, and shall be read as one with the Workers' Compensation Act, 1912-1948 (Act No. 69 of 1912, as reprinted with amendments to and including Act No. 77 of 1948, incorporated pursuant to the Amendments Incorporation Act, 1938), hereinafter referred to as the principal Act. Short title.

Citation of
principal Act
as amended
by this Act

2. The principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1912-1949.

Amendment
of s. 4.

3. Section four of the principal Act is hereby deleted and the following is substituted in lieu:—

4. Any worker who on the 8th day of April, 1949, was receiving or entitled to receive weekly payments for any period of total or partial incapacity in accordance with the provisions of the Workers' Compensation Act, 1912-1944, and whose incapacity continues after that time, or who on or after the 8th day of April, 1949, became or becomes entitled to weekly payments in consequence of an accident which occurred prior to the 8th day of April, 1949, shall as from that date be entitled to payments, whether weekly payments or otherwise, in accordance with the provisions of the Workers' Compensation Act, 1912-1948, provided that nothing in this Act shall be construed so as to entitle any such worker to any increase in weekly payments made or payable before that date.

Amendment
of s. 7 (3).

4. Section seven of the principal Act is amended by deleting therefrom paragraph (d) of subsection (3).

Amendment
of s. 8 (14).

5. Section eight of the principal Act is amended as follows—

(a) by deleting subsection (11);

(b) by amending subsection (14) as follows—

(i) by deleting the words "when the liability of the employer to pay the compensation shall be agreed to or adjudged after the coming into operation of the Workers' Compensation Act Amendment Act, 1948, or seven hundred and fifty pounds when that liability has been agreed to or adjudged before the coming into operation of that Act, as the case may be" in lines 13 to 19; and

(ii) by deleting the words "Any worker who has received the full amount of £1,250 or £750, as the case may be,"

in lines 23, 24 and 25, and substituting the words "Any worker who, subsequent to the coming into operation of the Workers' Compensation Act Amendment Act, 1948, receives the full amount of £1,250, or who, prior to the coming into operation of such Act, received the full amount of £750,".

6. Section thirteen of the principal Act is amended Amendment of s. 13.
by—

(a) substituting for the words "in respect of a member of an employer's family dwelling in his house pursuant to the provisions of section four, subsection (g), paragraph (3) of this Act," in subsection (4), lines 6, 7 and 8, the words "in respect of a member of an employer's family who is dwelling in his house and is referred to in the definition 'Worker' in section five of this Act.";

(b) deleting from subsection (5), paragraph (a), the word "defined" in line 7 and words after the word "State" in line 7.

7. Section sixteen, subsection (1) of the principal Act is amended by substituting for the word "employer" in line 8 the word "employed". Amendment of s. 16 (1).

8. Section twenty-seven, subsection (5), paragraph (d) of the principal Act is amended by adding after the word "Act" in subparagraph (i), line 5, the words, "plus such amount as shall appear in the estimate referred to in section twenty-seven, subsection (2), paragraph (a), and be approved by the Minister for the payment of the remuneration, expenses and allowances of any inspector to be appointed pursuant to section twenty-nine, subsection (13), paragraph (h) of this Act." Amendment of s. 27 (5).

9. Section twenty-nine, subsection (13) of the principal Act is amended by adding the following:— Inspection of wage and salary declarations.

(h) (i) To appoint from time to time in its discretion, inspectors for the purpose of investigating the aggregate amount of wages, salary and other forms of remuneration paid by, and the number of employees engaged by, any employer who has been exempted pursuant to

section thirteen, subsection (1) of this Act, or by any employer required by the conditions of any policy or contract of insurance as referred to in section thirteen, subsection (3) of this Act to disclose such information during any specified period.

(ii) An inspector appointed under the provisions of this section shall produce written authority from the Chairman of the Board when making investigations in the execution of his duties under this Act, and upon production thereof may make any such inquiries and require production of, and inspect, any books, accounts and records as may be necessary to ascertain the aggregate amount of wages paid by the employer and the number of employees engaged.

(iii) Every inspector shall, before entering on the performance of his duties under this Act, take and subscribe before a justice of the peace an oath or affirmation to the effect that he will not, except for the purposes of this Act, and the exercise of his duties hereunder, disclose to any person any information acquired by him in his official capacity, and every inspector who wilfully acts in contravention shall be guilty of an offence against this Act and liable on summary prosecution to a penalty of one hundred pounds.

(iv) Any employer, his servant or agent, or any person whatsoever who obstructs, hinders, prevents, or interferes with any inspector in the exercise of the powers conferred upon him by this section, or who refuses or fails to produce for the inspection of any inspector any books, accounts or records when requested by such inspector, and obliged under this section so to do, shall be guilty of an offence under this Act and liable on summary prosecution to a penalty of one hundred pounds.

(v) Whenever as a result of an inspection or otherwise it is shown that an employer has either wilfully or inadvertently under-

stated to his insurer the aggregate amount of wages paid or the number of employees engaged, whereby he has become liable to pay by way of premium a lesser amount than he would otherwise, then the Board may sue and recover from such employer the full amount of the premium which could have been charged, less any amount already paid to the insurer in respect of such insurance and shall pay any moneys so recovered less any reasonable costs incurred in the recovery, to the insurer.

10. Section thirty of the principal Act is amended as follows:— Amendment of s. 30.

By substituting for paragraph (a) of subsection (1), the following:—

(a) By a committee to be called the Premium Rates Committee, consisting of the Auditor General as Chairman, the three members of the Board, the Manager of the State Government Insurance Office, a person who shall be nominated by all other insurers approved by the Minister under the provisions of section thirteen of this Act, other than that section of such insurers known as the non-tariff companies, and also a person who shall be nominated by the non-tariff companies as aforesaid, both of whom shall be appointed by the Governor and entitled while acting on the Committee to such remuneration and allowances as shall be prescribed.

11. Section thirty-five of the principal Act is amended by substituting for the words "section six, paragraph (d)" in line 7 of subsection (2), paragraph (b), the words "section seven, subsection (4)". Amendment of s. 35 (2).

12. The First Schedule to the principal Act is amended by substituting for the words "dependent children" in clause 1, paragraph (c), subparagraph (ii), line 19, the word "dependants". Amendment of First Schedule.