

WORKERS' COMPENSATION.

8° and 9° GEO. VI., No. XLII.

No. 42 of 1944.

AN ACT to amend the **Workers' Compensation Act, 1912-1943.**

[Assented to 11th January, 1945.]

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:—

Short title.

1. This Act may be cited as the *Workers' Compensation Act Amendment Act, 1944*, and shall be read as one with the *Workers' Compensation Act, 1912-1941* (the Act No. 69 of 1912 is reprinted in Volume 2 of the Reprinted Acts of the Parliament of Western Australia), hereinafter referred to as the Principal Act.

Amendment
of s. 4 of
the principal
Act.

2. Section four of the principal Act is amended by deleting the words "four hundred pounds a year" in line four and lines six and seven of the paragraph dealing with tributers and substituting the words "five hundred pounds a year."

Amendment
of s. 6 of
the principal
Act.

3. Paragraph (3) (a) of section six of the principal Act is amended by deleting all the words from and after the phrase "Nothing in the said table shall limit the

amount of compensation" down to the end of the paragraph and substituting "Nothing in the said table shall limit the amount of compensation payable for such injury during any period of total incapacity resulting from that injury and any sum so paid shall not be deducted from the compensation payable in accordance with the said table except in the case where and then only to the extent that the total of seven hundred and fifty pounds would be exceeded otherwise."

4. The First Schedule to the principal Act is amended as follows:—

Amendment
of the First
Schedule
to the prin-
cipal Act.

(a) By inserting a new paragraph in clause (1) as follows:—

(aa) Where a worker has been in receipt of weekly payments for not less than six months and no application for redemption has been made under and in accordance with the provisions of this Schedule, and the worker dies leaving dependants but the death does not result from the injury—

(i) in the case of dependants wholly dependent upon his earnings, the sum, if any, which would have been paid as a lump sum if the worker had made an application for redemption in his lifetime;

(ii) In the case of dependants in part dependent upon his earnings, such sum not exceeding in any case the amount payable under the foregoing provisions of this paragraph, as may be agreed upon, or in default of agreement, may be determined by proceedings under this Act to be reasonable and proportionate to the injury to the said dependants.

(b) In subparagraph (ii) of paragraph (b) of clause (1) by deleting the words "three pounds ten shillings" in lines eleven and twelve of the paragraph, and substituting the words "four pounds ten shillings."

(c) In paragraph (c) of the proviso to paragraph (b) of clause (1) by adding at the end of the paragraph the following:—"Where damage or destruction of an artificial limb, artificial teeth or artificial eyes or eye

glasses or spectacles results from an accident arising in the course of the worker's employment, he shall be entitled to the cost of repair or replacement thereof; and in the case of a worker who has suffered the loss of both legs or who is paralysed in both legs by reason of an accident or accidents arising in the course of the worker's employment he shall be entitled to the cost of a wheeled chair or other similar contrivance up to the sum of thirty pounds and further if a worker has been disabled by reason of any such accident or accidents and any surgical appliance or mechanical contrivance can be procured to relieve such disablement he shall be entitled to the cost of the same up to the sum of ten pounds."

(d) In paragraph (d) of the proviso to paragraph (b) of clause (1)—

- (i) by deleting the words "ten shillings and sixpence per day" in the first line of subparagraph (i) and substituting the words "twelve shillings per day."
- (ii) by deleting the words "twelve shillings and sixpence per day" in the first line of subparagraph (ii) and substituting the words "fifteen shillings per day."
- (iii) by deleting the words "fifteen shillings per day" in the first line of subparagraph (iii), and substituting the words "sixteen shillings and sixpence per day."
- (iv) by deleting the words "the charge of twelve shillings and sixpence per day or fifteen shillings per day hereinbefore prescribed shall apply only for the first thirty days during which the worker remains in hospital for treatment whether such days are consecutive or not. Thereafter the charges shall be ten shillings and sixpence per day irrespective of the situation of the hospital" and substituting "The charge of fifteen shillings per day or sixteen shillings and sixpence per day hereinbefore prescribed shall apply only for the first thirty days during which the worker remains in hospital for treatment whether such days are consecutive or not. Thereafter the charges shall be twelve shillings per day irrespective of the situation of the hospital."

(e) In paragraph (e) of the proviso to paragraph (b) of clause (1)—

- (i) by deleting the words “where a worker is not or is no longer required to remain in hospital or other place for treatment but” in lines one and two and substituting the words “where a worker.”
- (ii) by inserting the word “massage” after the word “treatment” in lines six and fifteen.
- (iii) by inserting the words “massage or examination” after the word “treatment” in line seventeen.

(f) By adding a new paragraph to clause (1) as follows:—

- (c) Where a total or partial incapacity for work does not result from the injury but the worker is obliged to obtain medical advice or treatment, the provisions of paragraphs (c), (d) and (e) of the proviso to paragraph (b) of clause (1) and the provisions of clause (4) of this Schedule shall apply in so far as they may be made applicable.

(g) By deleting clause 18 and substituting a new clause as follows:—

18. When the Court orders redemption as provided for in clause 17 of this Schedule—

- (i) In the case of permanent incapacity whether total or partial the lump sum shall be the sum ascertained by deducting the total amount received by the worker as weekly payments from the maximum sum of seven hundred and fifty pounds.
- (ii) In any case the lump sum shall be assessed upon a calculation or estimate by the Court of the balance of compensation still payable or likely to be payable to the applicant under this Act by way of weekly payments.
- (iii) No deduction of any nature or kind shall be made by the Court from any lump sum ascertained or assessed as hereinbefore provided.

5. The Principal Act as amended by this Act may be cited as the *Workers' Compensation Act, 1917-1944.*

Citation of
principal Act.