

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XVII.

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No. 21 of 1909.

AN ACT to amend the Workers' Compensation Act, 1902.

[Assented to 6th February, 1909.]

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 Amendment Act, 1909*, and shall be read as one with the Workers' Compensation Act, 1902, hereinafter referred to as the principal Act. Short title.

2. (1.) The Second Schedule to the principal Act is amended as follows:— Amendment of Second Schedule.

(a.) By adding to paragraph one a sub-paragraph as follows:—

(3.) With respect to casual workers employed as stevedores, lumpers, or wharf labourers, the following special provision shall apply:—

- (i.) In every case where the compensation is based on the worker's average weekly earnings, they shall be deemed to be not less than a full working week's earnings at the ordinary (but not overtime) rate of pay for the work at which he was employed at the time of the accident, notwithstanding that he may not have actually worked or the employment may not have actually continued for the full week, and the compensation shall be computed and assessed accordingly.
  - (ii.) This provision shall apply to cases of deaths as well as to cases of incapacity.
- (b.) By omitting the proviso to paragraph five, and inserting in place thereof the following:—
- Provided that:—
- (i.) If the worker is dissatisfied with the certificate of such practitioner as to his condition he shall submit himself for examination to a medical practitioner appointed and paid by himself or on his behalf.
  - (ii.) Should the certificates of the two medical practitioners not agree the one with the other, and should the employer and the worker not agree to accept either of the certificates, the two medical practitioners shall appoint a third medical practitioner provided and paid jointly by the employer and the worker.
  - (iii.) Should the two medical practitioners fail to appoint a third medical practitioner within fourteen days after being requested so to do by either employer or worker, the magistrate shall appoint such third medical practitioner, who shall be paid jointly by the employer and the worker.
  - (iv.) The certificate of the third medical practitioner as to the condition of the worker at the time of the examination shall be conclusive evidence of that condition.
- (c.) By inserting in paragraph six thereof, after the word "to," in line one, the word "any," and after the word "required," in line five, the words "by the employer or the Magistrate."

(2.) Upon the passing of this Act the several appointments made from time to time by the Governor of medical practitioners for the purposes of the principal Act shall become void.

3. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the supervision of the Clerk of the Parliaments, and reference shall be made in the margin of the principal Act to the sections of this Act by which such amendments are made.

Manner of showing amendments.