

WORKERS' COMPENSATION SUPPLEMENTATION FUND.

No. 49 of 1982.

AN ACT to amend the Workers' Compensation
Supplementation Fund Act 1980-1982.

[Assented to 6 September 1982.]

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 Supplementation Fund Amendment Act 1982*. Short title and citation.

(2) In this Act the Workers' Compensation Supplementation Fund Act 1980-1982 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Workers' Compensation Supplementation Fund Act 1980-1982.

Long title
repealed and
substituted.

2. The long title of the principal Act is repealed and the following long title is substituted—

“ AN ACT to establish the Employers' Indemnity Supplementation Fund for the payment of certain claims for workers' compensation and for damages arising from injury to, or the death of, a worker, and for purposes incidental thereto or connected therewith. ” .

Section 1
amended.

3. Section 1 of the principal Act is amended by deleting “Workers' Compensation” and substituting the following—

“ Employers' Indemnity ” .

Section 3
amended.

4. Section 3 of the principal Act is amended—

(a) by deleting the definition of “employer's policy” and substituting the following definition—

“ “employer's policy” means—

(a) a policy of insurance providing—

(i) the cover required by section 160 of the Workers' Compensation and Assistance Act 1981; and

(ii) cover for an employer's liability to pay damages at

common law for
injury to, or the death
of, a worker employed
by him; and

- (b) a policy of insurance provid-
ing either of those forms of
cover,

and where an employer has more
than one employer's policy, as so
defined, the expression "the
employer's policy" extends to all
such policies; " ; and

- (b) in the definition of "Fund" by deleting
"Workers' Compensation" and substituting
the following—

" Employers' Indemnity " .

5. The heading to Part II of the principal Act is amended by deleting "WORKERS' COMPENSA-
TION" and substituting the following—

Heading to
Part II
amended.

" EMPLOYERS' INDEMNITY " .

6. Section 5 of the principal Act is amended in subsection (1) by deleting "Workers' Compensation" and substituting the following—

Section 5
amended.

" Employers' Indemnity " .

7. Section 16 of the principal Act is amended—

Section 16
amended.

- (a) in subsection (2), by inserting after
"employer's policy" the following—

" obtained under section 160 of the
Workers' Compensation and Assistance
Act 1981 " ; and

- (b) by inserting after subsection (2) the following subsection—

“ (3) Nothing in this section affects the obligations of a self-insurer to pay the appropriate surcharge under section 14 in respect of an employer’s policy providing cover for his liability to pay damages at common law for injury to, or the death of, a worker. ” .

Section 19
amended.

8. Section 19 of the principal Act is amended—

- (a) in subsection (1) (a), by inserting after “Act 1981” the following—

“ , or at common law, ” ;

- (b) in subsection (2)—

- (i) in paragraph (a), by inserting after “Act 1981” the following—

“ , or damages at common law, ” ;

- (ii) in paragraph (b) by inserting after “compensation” the following—

“ or damages ” ; and

- (iii) by inserting after “the amount of compensation”, in both places where it appears, the following—

“ or damages ” ; and

- (c) in subsection (5)—

- (i) by deleting the full stop at the end of the subsection and substituting a semicolon; and

- (ii) by inserting after the definition of “compensation” the following definition—

“ “damages” includes an amount in settlement of a claim for damages. ” .