

# WORKERS' COMPENSATION.

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No. 76 of 1975.

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**AN ACT to amend the Workers' Compensation Act,  
1912-1973.**

*[Assented to 14th November, 1975.]*

**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 Act Amendment Act, 1975.*

Short title  
and citation.

(2) In this Act the Workers' Compensation Act, 1912-1973 is referred to as the principal Act.

Reprinted as  
approved for  
reprint 26th  
April, 1974.

(3) The principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1912-1975.

First  
Schedule  
amended.

2. The First Schedule to the principal Act is amended by deleting clause 2 and inserting in lieu thereof a clause as follows—

2. For the purposes of this Act "weekly earnings" means—

(a) where the work performed by the worker in the employment in which the injury occurs is subject to an industrial award or industrial agreement or, if it is not so subject, where a relevant industrial award or industrial agreement pertaining to that type of work can be fairly applied, the total wages, salary, or other remuneration payable, at the time of the incapacity, for a week's work in such employment, under the industrial award or industrial agreement; or

(b) where a person is working under an agreement to perform—

(i) a specified quantity of work for a specified sum;

(ii) work on piece rates;

(iii) work on a bonus or commission system;  
or

(iv) work under any other system for payment by results,

the wages, salary, or other remuneration that is, at the time of the incapacity, prescribed, apart from that agreement, for a week's work in the employment in which the injury occurs, under an industrial award or industrial agreement relevant to such employment or, if there is no industrial award or industrial agreement so relevant, under a relevant industrial award or industrial agreement pertaining to that type of work which can be fairly applied,

but excluding in each case referred to in paragraphs (a) and (b) of this clause—

(c) overtime, being any payment for the hours in excess of the number of hours stated in the industrial award or industrial agreement as ordinary hours which constitute a week's work; and

- (d) any bonus or incentive (except over award payment), shift allowance, week-end or public holiday penalty allowance, district allowance, industry allowance, meal allowance, living allowance, clothing allowance, travelling allowance, or other allowance,

and, in the case of a part time worker employed solely in the employment in which the injury occurs, making a proportionate deduction in such weekly earnings to the extent that the hours worked by him per week are less than the number of hours stated in the industrial award or industrial agreement as ordinary hours which constitute a week's work. .

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