WORKERS' COMPENSATION SUPPLEMENTATION FUND.

No. 26 of 1981.

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

[Assented to 26 May 1981.]

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' short title and citation. Compensation Supplementation Fund Amendment Act 1981.

(2) In this Act the Workers' Compensation Act No. 80 of 1980. Supplementation Fund Act 1980 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Workers' Compensation Supplementation Fund Act 1980-1981.

Commencement. 2. (1) Subject to this section, this Act shall come into operation on the day on which this Act is assented to by the Governor.

(2) Sections 3 (1) and 7 of, and the Schedule to, this Act shall come into operation on the day on which section 102 of the Workers' Compensation Act 1981 comes into operation.

(3) Sections 3 (2) and (3) and 6 (1) of this Act shall come into operation on the day on which the last of the provisions of the Workers' Compensation Act 1981 to come into operation comes into operation.

(4) Sections 3 (4), (5) and (6) and 4 of this Act shall come into operation on the day on which Part X of the Workers' Compensation Act 1981 comes into operation.

(5) Section 6 (3) of this Act shall come into operation on the day on which Schedule 1 to the Workers' Compensation Act 1981 comes into operation.

Section 3 amended. 3. (1) Section 3 of the principal Act is amended by—

- (a) deleting the definition of "Board"; and
- (b) inserting, after the definition of "Chairman", the following definition—
 - " "Commission" means Workers' Assistance Commission established by section 102 of the Workers' Compensation Act 1981; ".

(2) Section 3 of the principal Act is amended by deleting the definition of "Compensation Act".

(3) Section 3 of the principal Act is amended by deleting the definition of "employer" and substituting the following definition—

"employer" has the same meaning as it has in the Workers' Compensation Act 1981: "

(4) Section 3 of the principal Act is amended in the definition of "employer's policy" by deleting "13 of the Compensation Act" and substituting the following—

" 167 of the Workers' Compensation Act 1981 "

(5) Section 3 of the principal Act is amended in the definition of "insurer" by deleting "13 of the Compensation Act" and substituting the following-

" 168 of the Workers' Compensation Act 1981 "

(6) Section 3 of the principal Act is amended by deleting the definition of "self-insurer" and substituting the following definition-

" "self-insurer" means employer whom, or employer belonging to a group of employers which, the Governor exempts under section 172 of the Workers' Compensation Act 1981 from the obligation to insure pursuant to that Act except for the obligation to insure against liability to pay compensation for any industrial disease of the kinds referred to in section 157 (a) (iii) of that Act; "

4. Section 4 of the principal Act is repealed and repealed the following section is substituted-

and substituted.

" 4. This Act does not apply to or in relation Act not to apply to an employer insured by the SGIO under the mining employers. authority conferred on it by section 169 of the Workers' Compensation Act 1981 for the

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liability of that employer to pay compensation under that Act to all workers employed by that employer in any mining operation. "

Section 7 Section 7 of the principal Act is amended in 5. amended. subsection (1) (a) by deleting "make advances" and substituting the following—

> 44 advance "

6. (1) Section 19 of the principal Act is amended—

- (a) in subsection (1) (a) by deleting "Compensation Act" and substituting the following-
 - " Workers' Compensation Act 1981

and

- (b) in subsection (2) (a) by deleting "Compensation Act" and substituting the following-
 - " Workers' Compensation Act 1981
- (2) Section 19 of the principal Act is amended—
 - (a) in subsection (1)—
 - (i) by deleting "If, before, on or after the appointed date—" and substituting the following—
 - "If, on or after 1 January 1979— " :
 - (ii) by inserting, after "the judgment, order or award referred to in paragraph (a) was given or made, as the case requires,", the following—
 - " or, if the employer against whom that judgment, order or award has been given or made has paid

Section 19 amended. the amount of that judgment,

- order or award, that employer "; and
- (iii) by inserting, before "of the amount of that judgment, order or award.", the following—
 - " or reimbursement, as the case requires, ";
- (b) in subsection (2)—
 - (i) by deleting "If, before, on or after the appointed date—" and substituting the following—
 - " If, on or after 1 January 1979— " ;
 - (ii) by inserting, after "the person referred to in paragraph (a)", the following—
 - " or, if the employer against whom that person is entitled to make the claim referred to in that paragraph has paid the amount of compensation sought by that claim, that employer "; and
 - (iii) by inserting, before "of the amount of compensation referred to in paragraph (a).", the following—
 - " or reimbursement, as the case requires, ";
- (c) in subsection (3) by inserting, after "A person", the following—

" or employer "; and

(d) in subsection (4) by inserting, after "A person", the following—

" or employer " .

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(3) Section 19 (5) of the principal Act is amended by deleting paragraph (b) of the definition of "compensation" and substituting the following paragraph—

" (b) all amounts payable under Schedule 1 to the Workers' Compensation Act 1981. " .

Substitution of "Commisslon" for "Board". 7. The provisions of the principal Act specified in the Schedule to this Act are amended by deleting "Board", wherever it occurs, and substituting in each case the following—

" Commission "

SCHEDULE.

(Section 7)

SUBSTITUTION OF "COMMISSION" FOR "BOARD".

Sections 5, 7 (1) and (3), 8, 9, 10, 11, 12, 13, 15, 16, 17 (3), 18 (2) and (3), 25, 27 (2), 36 (1) and (2), 37 and 39.

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