



ANNO QUINTO

GEORGII VI REGIS.

A.D. 1941.

No. 50 of 1941.**An Act to amend the Workmen's Compensation Act, 1932-1940.**

[Assented to 27th November, 1941.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Workmen's Compensation Act Amendment Act, 1941".

(2) The Workmen's Compensation Act, 1932-1940, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1941".

(3) The Workmen's Compensation Act, 1932-1940, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
s. 7 of principal
Act—
Meaning of
"workman".

3. Section 7 of the principal Act is amended by inserting at the end thereof the following subsection (the previous part of the section being read as subsection (1) thereof):—

(2) In determining the average weekly earnings of any person for the purposes of this section there shall be excluded any wages allowances or other remuneration earned by him during the continuance of the present war, and whether before or after the enactment of this section, for work done during overtime.

In this subsection "the present war" means the war with Germany which commenced on the third day of September,

nineteen hundred and thirty-nine; and for the purposes of this subsection the present war shall be deemed to continue until the Governor-General of the Commonwealth issues a proclamation declaring that the said war has ceased.

4. The following section is enacted and inserted in the principal Act after section 12 thereof:—

Enactment of
s. 12a of the
principal Act—

12a. (1) Where a ship belongs to or is chartered by a person whose principal place of business is out of Australia and the master of the ship or any person acting on behalf of the owner or charterer thereof employs any workman to do work in, on, or about the ship (including loading or unloading) that master or other person shall for all purposes of this Act be deemed to be the employer of the workman as if he had acted as principal in employing the workman.

Provision as
to liability of
master or
agent of ship.

(2) Where a workman has recovered compensation under this Act against a person who, by virtue of this section, was liable to pay such compensation, the owner or charterer of the ship on whose behalf the workman was employed shall indemnify that person for the amount of such compensation and any costs incurred by that person in relation to the recovery of the compensation.

(3) This section shall not confer any right to compensation on any person who, if this section had not been enacted, would not have had that right.

5. Section 18 of the principal Act is amended by adding at the end thereof the following subsection:—

Amendment of
s. 18 of
principal Act—
Minimum
compensation
for incapacity.

(5) Subsection (4) of this section shall extend and apply—

- (a) to a single woman, in the same way as it applies to a single man;
- (b) to a woman who is either a widow, or a married woman not maintained by her husband, and has no children under the age of fourteen years totally or mainly dependent upon her earnings, in the same way as it applies to a widower not having any such child totally or mainly dependent on his earnings;
- (c) to a woman who is either a widow, or a married woman not maintained by her husband, and who has one or more children under the age of fourteen years totally or mainly dependent upon her earnings, in the same way as it applies to a married man having one or more such children totally or mainly dependent upon his earnings:

Provided, however, that no woman shall by virtue of this subsection be entitled to a weekly payment exceeding five pounds or exceeding the average weekly earnings mentioned in subsection (1) of this section.

Amendment of
s. 36 of
principal Act—
Payments not
assignable.

6. Section 36 of the principal Act is amended by adding at the end thereof the words " nor shall any deduction be made from any such payment or sum for the purpose of paying hospital, medical, ambulance, or other expenses, pursuant to the Hospitals Act, 1934 "

Amendment of
s. 48 of the
principal Act—
Registration of
agreements.

7. Section 48 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) Notwithstanding section 54 of this Act a memorandum of agreement required by this section to be sent to the clerk of a local court, shall be sent to the clerk of that local court (being one of the local courts prescribed by rules of court as courts to which memoranda of agreements may be sent under this section) which is nearest to the place where the party sending the memorandum resides.

Enactment of
s. 51a of the
principal Act—

8. The following section is enacted and inserted in the principal Act after section 51 thereof :—

Powers of
clerk in
relation to
agreements.

51a. (1) The clerk of the local court may before recording any agreement sent to him under section 48 of this Act, require either party to the agreement to furnish to him a copy of any report given by a medical practitioner as to the result of any medical examination of the workman made for the purpose of ascertaining the disability, if any, from which the workman is suffering, and any other information relevant to the question whether the agreement should be recorded.

(2) At any inquiry held by a special magistrate into a refusal by the clerk of a local court to record an agreement, the clerk may be present and examine witnesses.

Amendment of
s. 54 of the
principal Act—
Consequential
amendment.

9. Section 54 of the principal Act is amended by adding after the word " court " (first occurring) in the third line thereof the words " and to subsection (3) of section 48 "

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor.