



ANNO OCTAVO

# GEORGI VI REGIS.

A.D. 1944.

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## No. 33 of 1944.

### An Act to amend the Workmen's Compensation Act, 1932-1943.

[Assented to 14th December, 1944.]

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, 1944".

(2) The Workmen's Compensation Act, 1932-1943, as amended by this Act may be cited as the "Workmen's Compensation Act, 1932-1944".

(3) The Workmen's Compensation Act, 1932-1943, 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. 17 of principal Act—  
Compensation when workman leaves no dependants.**

3. Section 17 of the principal Act is amended by striking out the words "the reasonable expenses of his medical attendance and burial, not exceeding twenty pounds" and inserting in lieu thereof the following passage:—

"(a) the expenses specified in section 18a of this Act, and  
(b) the reasonable expenses of his burial not exceeding twenty pounds."

**Amendment s. 18 of the principal Act—  
Compensation for incapacity.**

4. Section 18 of the principal Act is amended by striking out the word "fourteen" wherever appearing in subsections (4) and (5) thereof and inserting in lieu thereof the word "sixteen".

5. The following section is enacted and inserted in the principal Act after section 18 :—

Enactment of  
s. 18a of the  
principal Act—

18a. (1) Where a workman is entitled to compensation under this Act, the employer shall also be liable to pay to the workman a sum, not exceeding twenty-five pounds, in respect of all or any of the following expenses which are incurred by the workman as the result of his injury :—

Additional  
compensation  
in respect of  
medical  
expenses.

- (a) The cost, not exceeding two pounds, of transporting the workman by ambulance to hospital :
- (b) Any fees, not exceeding ten pounds, payable to any legally qualified medical practitioner :
- (c) Any fees, not exceeding three pounds, payable to any registered nurse :
- (d) Any charges not exceeding ten pounds, payable to any hospital.

(2) If in respect of a matter specified in any paragraph of subsection (1) of this section a workman incurs expense (in this subsection called "the additional expense") in excess of the maximum amount specified in that paragraph, and if the sum paid by the employer under this section within six months after the accident causing the injury is less than twenty-five pounds, the employer shall pay to the workman the amount of the additional expense or the balance of the sum of twenty-five pounds, whichever is less.

(3) If the total of the sums paid under subsections (1) and (2) of this section is less than twenty-five pounds, and the workman has incurred expense not less than five shillings for medicines prescribed by a medical practitioner, the employer shall, upon production of a certificate by a medical practitioner certifying that such expense was incurred as a result of the injury, pay to the workman the amount of such expense, or the balance of the sum of twenty-five pounds, whichever is less.

(4) The Governor may by regulation prescribe a scale of expenses, fees and charges which may be charged for transport by ambulance, medical attention, nursing, and maintenance and treatment in hospital, of workmen entitled to compensation under this Act.

(5) The Minister may, by writing, exempt from this section any employer who proves to the satisfaction of the Minister that he has made adequate arrangements to provide gratuitous ambulance transport and medical and surgical treatment for any workman in his employment who becomes entitled to compensation under this Act.

Any such exemption shall be subject to such conditions and remain in force for such period as the Minister specifies, and may be revoked by the Minister if in his opinion just cause exists for doing so.

Amendment of  
s. 19 of  
principal Act—  
Aged and infirm  
workers.

6. Section 19 of the principal Act is amended by inserting after the word "shillings" in the eighteenth line the words "plus seven shillings and sixpence for each child of the workman under the age of sixteen years and totally or mainly dependent on his earnings".

Repeal and  
re-enactment of  
s. 97a of  
the principal  
Act—  
Reference of  
decision of  
board to  
referees.

7. Section 97a of the principal Act is repealed and the following section is enacted and substituted in lieu thereof:—

97a. (1) If a workman or the Smelting Company is aggrieved by a decision of the board to give or refuse to give a certificate, or by any other decision of the board, the workman or Company may request the Minister to refer the matter to a board of review under this section.

(2) Every such request shall be made within fourteen days after the giving of the decision by the board.

(3) The Minister shall upon receipt of such a request forthwith constitute a board of review consisting of three medical practitioners selected from the panel provided for in this section and shall refer the case to that board.

(4) The board of review shall inquire into the case and may either affirm, vary, or reverse the decision of the board. The inquiry shall be commenced not later than fourteen days after the case is referred to the board of review.

(5) The decision of the board of review on any such reference shall be final.

(6) The decision of any two members of a board of review shall be deemed to be the decision of the whole board.

(7) For the purposes of this section the Governor, on the nomination of the Council of the South Australian Branch of the British Medical Association, shall appoint not less than six legally qualified medical practitioners to

be a panel of medical referees from whom boards of review under this section shall be constituted as required from time to time.

The persons so nominated shall be persons who, in the opinion of the said Council, are qualified to diagnose industrial diseases.

(8) Every person so appointed shall hold office as a medical referee for three years, unless during that period the Governor decides that just cause exists for removing that person's name from the panel, and directs accordingly.

The Governor shall from time to time make appointments to fill casual vacancies on the panel. A person appointed to a casual vacancy on the panel shall hold office for the balance only of the term of the person in whose place he was appointed.

(9) If on a reference to a board of review under this section the decision is in favor of the workman, the workman shall be entitled to be paid by the Smelting Company the amount of any fares and travelling expenses, not exceeding ten pounds, reasonably incurred by the workman for the purpose of appearing before the board of review.

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

J. M. NAPIER, Lieutenant-Governor.