



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 114 of 1971**An Act to amend the Workmen's Compensation Act, 1971.***[Assented to 9th December, 1971]*

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, 1971".

(2) The Workmen's Compensation Act, 1971, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1971".

(3) The Workmen's Compensation Act, 1971, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeal of ss. 5 and 6 of principal Act and enactment of sections in their place—

3. Sections 5 and 6 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Weekly payments and other compensation under repealed Act.

5. (1) Where immediately before the commencement of this Act a workman was receiving or was entitled to receive weekly payments at the rates set out in section 18 of the repealed Act that workman shall on and after that commencement receive or be entitled to receive weekly payments at the rate set out in section 51 of this Act in lieu of those first-mentioned

weekly payments but this subsection shall not apply so as to increase the total liability of the employer provided for under subsection (3) of section 18 of the repealed Act.

(2) Except as provided in subsection (3) of this section, where on or after the commencement of this Act, the death of a workman results from an injury in respect of which compensation was paid or was payable under the repealed Act, compensation and other benefits shall be payable in accordance with this Act.

(3) Subsection (2) of this section shall not apply in any case where compensation has been paid to the workman, in respect of the injury, pursuant to section 26 or section 28 of the repealed Act.

6. (1) All proceedings that had been commenced but had not been completed under the repealed Act immediately before the commencement of this Act shall be continued and completed in all respects (except as is expressly provided in this Act) as if this Act had not been enacted.

Pending and
other
proceedings to
continue.

(2) All proceedings, including, but without limiting the generality of the expression, proceedings by way of recording a memorandum of agreement pursuant to the repealed Act, that could have been commenced under the repealed Act immediately before the commencement of this Act but had not been so commenced shall be commenced, continued and completed in all respects (except as is expressly provided by this Act) as if this Act had not been enacted.

(3) For the purposes of any proceedings referred to in subsection (2) of this section the Court shall have and may exercise in all respects the jurisdiction conferred on a local court or a Judge thereof by the repealed Act, and for those purposes the local court or a Judge thereof shall not have or exercise that jurisdiction.

(4) The procedure to be used in the conduct of any proceedings referred to in subsection (2) of this section commenced after the first day of January, 1972, shall be the procedure set out in the provisions of the rules of Court from time to time made under this Act with such modifications or adaptations as to the Court shall seem necessary or desirable.

(5) For the purpose of giving full effect to the provisions of this section other than the provisions of subsection (1) of this section the Court may by order give such directions as to it seem necessary or desirable in respect of any matter or thing in relation to the bringing or the conduct, of any proceedings referred to in subsection (2) of this section and such directions shall have effect as if they were enacted in this Act.

Amendment of
principal Act,
s. 35—
Registration of
agreements.

4. Section 35 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “under this Act” the passage “, or if on or after the commencement of this Act the parties agree as to the payment of a lump sum by way of compensation under the repealed Act,”;

(b) by inserting in subsection (1) after the passage “until it is registered no” the word “such”;

and

(c) by inserting after subsection (1) the following subsection:—

(1a) For the purposes of this Act—

(a) an agreement for the payment of a lump sum by way of compensation under the repealed Act purporting to have been registered by the Registrar under this section before the commencement of the Workmen's Compensation Act Amendment Act, 1971, shall be deemed to be and always to have been as validly and effectually so registered as it would have been had the Workmen's Compensation Act Amendment Act, 1971, been enacted and been in force immediately before the Registrar purported to register that agreement;

and

(b) a memorandum of agreement for the payment of a lump sum by way of compensation under the repealed Act that has, on or after the commencement of this Act and before the commencement of the Workmen's Compensation Act Amendment Act, 1971, been recorded pursuant to the repealed Act shall be deemed to be and always to have been an agreement registered by the Registrar under this section and to be as validly and effectually so registered as if—

(i) it had been registered under this section at the time the memorandum was recorded pursuant to the repealed Act;

and

(ii) the Workmen's Compensation Act Amendment Act, 1971, had been enacted and was in force immediately before the memorandum was recorded.

5. Section 69 of the principal Act is amended by striking out from subsection (9) the passage " 'subsequent injury in relation to a prior injury' " and inserting in lieu thereof the passage " 'subsequent injury' in relation to a prior injury,".

Amendment of
principal Act,
s. 69—
Fixed rates of
compensation
for certain
injuries.

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

M. L. OLIPHANT, Governor