



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1834.

An Act to enact Special Provisions relating to Compensation to Workmen for Industrial Disease contracted at Port Pirie, and for purposes incidental thereto.

[Assented to, January 5th, 1928.]

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

1. (1) This Act may be cited as the " Workmen's Compensation Act Amendment Act, 1927." Short titles.

(2) The Workmen's Compensation Acts, 1911 to 1926, and this Act may be cited together as the " Workmen's Compensation Acts, 1911 to 1927."

(3) The Workmen's Compensation Act, 1911, is hereinafter referred to as " the principal Act " No. 1053 of 1911.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act and those Acts and this Act shall be read as one Act. Incorporation.

3. In this Act, unless inconsistent with or repugnant to the context, or some other meaning is clearly intended— Interpretation.

" Board " means the Medical Board constituted under this Act.

" Disease " means any disease mentioned in the Third Schedule to the principal Act, and any disease to which section 12 of the principal Act is extended by proclamation.

" Smelters "

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“Smelters” means the works at Port Pirie in the said State known at the time of the passing of this Act as the Broken Hill Associated Smelters, and any additions thereto or extension thereof.

“Smelting Company” means the Broken Hill Associated Smelters Proprietary, Limited.

“Workman” means any workman as defined in the principal Act who is or was at the date of disablement employed in or upon the smelters by the Smelting Company.

Establishment of
Medical Board.

4. (1) A Medical Board is hereby constituted consisting of three legally qualified medical practitioners residing and practising in the municipality of Port Pirie who shall be appointed by the Governor.

(2) No medical practitioner who holds any appointment as medical officer for the Smelting Company or to any trade union consisting wholly or partially of workmen employed by the Smelting Company shall be appointed to or hold office on the Board.

(3) Every member of the Board shall hold office for a period of two years and shall, upon the expiration of his term of office, be eligible for reappointment.

(4) The decision of any two members of the Board on any matter shall be deemed to be the decision of the whole Board.

Appointment of
secretary.

(5) There shall be a secretary to the Board who shall be the person for the time being holding the office of secretary of the Public Hospital at Port Pirie aforesaid, and the secretary shall, when so instructed by any member of the Board, convene meetings of the Board, and when so authorised by the Board shall issue certificates as prescribed by the regulations for and on behalf of the Board.

(6) The members of the Board and the secretary thereof shall be paid such fees and allowances as are prescribed.

(7) Any fees and allowances payable to members of the Board and to the Secretary, and any expenses incurred by the Board shall, subject to any regulations made by the Governor, be paid out of the general revenue of the State which to the necessary extent is hereby appropriated.

(8) One-half of the said fees, allowances, and expenses paid out of the said general revenue in each year shall be a debt due by the Smelting Company to the Treasurer, and shall be payable by the Company within one month after the Treasurer notifies the Smelting Company in writing of the amount due, and may be recovered by the Treasurer by action in the name of the Treasurer in any Court of competent jurisdiction in like manner as if the Treasurer were a private individual.

Powers of the
Board.

5. (1) The Board shall from a date to be notified by the Governor in the *Government Gazette* exclusively exercise the powers and perform the functions of a certifying medical practitioner and of a medical referee under the Workmen's Compensation Acts, 1911 to 1927, in respect

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respect of workmen disabled or alleged to be disabled by a disease, and who were at the time of contracting such disease employed by the Smelting Company in or upon the smelters.

(2) Subject to the provisions of subsection (1) of this section, and notwithstanding the provision of subsection (2) of section 14 of the principal Act, it shall be lawful for any member of the Board to do or join with the other members of the Board in doing any act or thing which he or the Board is authorised, required, or permitted by this Act to do in respect to any workman although such member has been employed as a medical practitioner in connection with such workman's case by or on behalf of the Smelting Company the workman or any insurers interested.

6. (1) Any workman who has been certified by the Board as suffering from a disease may, if he so desires, and shall, if the Smelting Company so requires, submit himself for examination by the Board, and if he refuses to submit himself for such examination when required to do so by the Smelting Company, or in any way obstructs the same, his right to further compensation shall be suspended until such examination has taken place.

Periodical medical examination of workmen by the Board.

(2) When the Board issues a certificate of fitness for employment the workman's right to compensation shall thereupon terminate.

(3) A workman shall not be required by the Smelting Company to submit himself for examination under this section otherwise than in accordance with regulations made by the Governor.

(4) The provisions of paragraphs (4), (14), (15), and (16) of the First Schedule to the principal Act shall not apply as regards any workman to whom this section applies.

(5) A workman who has been certified by the Board as suffering from a disease shall from time to time at the request of the Board present himself to the Board to be medically examined.

(6) If a workman refuses to present himself for medical examination when so requested by the Board, or in any way obstruct such examination, his right to compensation and to take or prosecute any proceedings to recover compensation under the Workmen's Compensation Acts, 1911 to 1927, shall be suspended until he undergoes such examination.

(7) If the Board after examination certifies that the workman who has been disabled by a disease has recovered therefrom, his right to compensation shall thereupon be terminated notwithstanding anything contained in the principal Act or the Schedules thereto.

7. Notwithstanding anything contained in section 7 of the principal Act proceedings for the recovery of compensation in respect to a disease shall not be maintainable unless the claim for compensation has been made within twelve months from the time the workman voluntarily or otherwise left the employ of the Smelting Company.

Application of principal Act to industrial diseases.

8. (1) Any

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Medical examination.

8. (1) Any workman in receipt of weekly payments for compensation shall from time to time when required by the Smelting Company submit himself for medical examination by a medical practitioner, provided and paid by the Smelting Company.

(2) If any workman refuses to submit himself to medical examination as provided in subsection (1) of this section, or in any way obstructs the same, his right to compensation and to take or prosecute any proceedings under the Workmen's Compensation Acts, 1911 to 1927, shall be suspended until such examination has taken place.

Notification to the Board of cases of lead poisoning.

9. (1) Any medical practitioner attending any workman employed by the Smelting Company whom he has reasonable grounds for believing to be suffering from a disease contracted in or upon the smelters shall forthwith give notice thereof in writing to the Board.

(2) The Board may require any workman as to whom a notice as mentioned in subsection (1) of this section is given to present himself to the Board, and the workman shall so present himself and submit to medical examination.

(3) The Board shall furnish to the workman a certificate as to the result of the examination and shall forward to the Smelting Company a copy of such certificate.

(4) Any person who fails to comply with any requirement of this section shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty Pounds.

Application of Act to assignees of the Smelting Company.

10. If the smelters are at any time worked by any person, firm, or company other than the Smelting Company, then this Act shall so long as the smelters are so worked apply to such other person, firm, or company and his or its workmen in the same way as it now applies to the Smelting Company and its workmen.

Suspension of payments.

11. Where under this Act a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

Summary procedure for offences.

12. Any proceedings in respect of offences against this Act shall be disposed of summarily.

Regulations.

13. The Governor may make any such regulations as are necessary or convenient for carrying out the provisions of this Act, and may by such regulations impose any penalty not exceeding Fifty Pounds for any breach thereof.

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

G. J. R. MURRAY, Lieutenant-Governor.