



ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2427.

An Act to amend the Workmen's Compensation Act,
1932-1935.

[Assented to 22nd December, 1938.]

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, 1938 ".
(2) The Workmen's Compensation Act, 1932-1935, is referred to in this Act as " the principal Act ".
(3) The Workmen's Compensation Act, 1932-1935, and this Act may be cited together as the " Workmen's Compensation Act, 1932-1938 ".
- Incorporation.** **2.** This Act is incorporated with the Workmen's Compensation Act, 1932-1935, and that Act and this Act shall be read as one Act.
- Enactment of Part IXA of principal Act—Silicosis.** **3.** The principal Act is amended by inserting therein after section 94 following Part :—

PART IXA.

SILICOSIS.

Definition.

94a. In this part—

" Silicosis " includes fibroid phthisis or silicosis of the lungs, or that disease accompanied by tuberculosis, or any other disease of the pulmonary or respiratory organs caused by exposure to silica dust.

94b. The Minister shall by scheme provide for the payment of compensation by the employers to workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

Schemes for payment of compensation.

- (a) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from silicosis ; or
- (b) who, though not totally disabled, are certified in like manner to be suffering from silicosis and are thereby disabled to such a degree as to make it dangerous to continue work in any such industry or process and are for that reason suspended from employment.

94c. The compensation shall be payable to or for the benefit of the workman or, in the event of his death, to or for the benefit of his dependants.

To whom compensation payable.

94d. No compensation shall be payable to any such workman or, in the case of his death, to his dependants, unless at the date of his disablement or death he—

Conditions of payment of compensation.

- (a) has been continuously resident in South Australia during the five years immediately preceding the date of his disablement or death and has been employed in any industry or process specified as aforesaid for not less than three hundred days during such period of five years ; or
- (b) has been resident in South Australia for not less than five years out of the seven years immediately preceding the date of his disablement or death and has been employed in any industry or process specified as aforesaid for not less than five hundred days during such period of seven years.

94e. The amount of compensation payable upon the disablement or death of any workman to whom any scheme under this Part applies shall be the same as that which would be payable pursuant to the provisions of this Act if such disablement or death resulted from personal injury by accident arising out of and in the course of the employment of such workman.

Amount of compensation.

94f. The dependants entitled to compensation upon the death of any workman to whom any scheme under this Part applies shall be those persons who would be entitled to compensation under this Act if such death resulted from personal injury by accident arising out of and in the course of the employment of such workman.

Interpretation of dependants.

Contents of
schemes.

94g. Any scheme under this Part may provide—

- (a) for the establishment of a general compensation fund to be administered in such manner as may be provided by the scheme ;
- (b) for the payment of subscriptions by employers to such fund and for the recovery of such subscriptions and for the payment and recovery out of such fund of any compensation payable under the scheme and of any expenses of and incidental to the administration and management of the scheme ;
- (c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen with independent chairmen and for the appointment of and the procedure to be adopted before such committees ;
- (d) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies and for their duties and powers in connection with the scheme ;
- (e) for workmen to whom the scheme applies—
 - (i.) to submit themselves to periodical medical examinations ; and
 - (ii.) to furnish information with respect to their previous employment or medical history ;
- (f) for making the right to compensation of any workman to whom the scheme applies conditional upon compliance with any requirement on his part contained in the scheme ;
- (g) for the suspension from employment in any industry or process specified in the scheme of any workman who is found at any time to be suffering from silicosis or who, when first medically examined in pursuance of the scheme, fails to satisfy such requirements with respect to physique as may be prescribed by the scheme; and
- (h) for the application either with or without modification of any of the provisions of this Act and for defining the industries or processes to which the scheme applies and generally for such further or supplemental matters including provisions for the settlement of disputes arising between employers and the authority administering the fund as appear necessary or desirable for giving full effect to the scheme.

94h. The provisions of any scheme under this Part may be extended or varied by any subsequent scheme made in like manner and shall be effectual for all purposes as if enacted in this Part.

Variation and effect of Schemes.

94i. (1) Any scheme under this Part shall—

- (i.) be published in the *Government Gazette* ;
- (ii.) take effect from the date of publication or from a later date to be specified in such scheme ; and
- (iii.) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in session, and if not, then within fourteen days of the commencement of the session next after such publication.

Publication of Schemes and disallowance by Parliament.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after such scheme has been laid before such House, disallowing the scheme or any part thereof, such scheme or part shall thereupon cease to have effect.

94j. Notwithstanding any other provision of this Act no employer to whom any scheme under this Part applies shall be obliged to insure against liability for any compensation payable to a workman under any such scheme.

Exemption from duty to insure.

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

W. DUGAN, Governor.