



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 31 of 1983

An Act to amend the Workers Compensation Act, 1971-1982.

[Assented to 16 June 1983]

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 "Workers Compensation Act Amendment Act, 1983".

(2) The Workers Compensation Act, 1971-1982, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Workers Compensation Act, 1971-1983".

Commencement.

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

Amendment of
s. 3—
Arrangement of
Act.

3. Section 3 of the principal Act is amended by striking out the item:
DIVISION V—Costs of Administering this Part.

Amendment of
s. 51—
Compensation for
incapacity.

4. Section 51 of the principal Act is amended—
(a) by striking out from subsection (5) the passage "Subject to subsection (7), no worker" and substituting the passage "No worker";
and
(b) by striking out subsection (7).

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

5. Section 69 of the principal Act is amended—
(a) by striking out from subsection (5) the passage " , subject to subsection (5a),";
and

(b) by striking out subsection (5a);

6. Section 71 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 71 and
substitution of
new section.

71. (1) The Court may, on the application of the employer or the worker, review weekly payments.

Review of weekly
payments.

(2) Upon a review under this section the Court may, subject to this Act, order that the weekly payments be terminated, increased or diminished as from a date fixed by the Court.

(3) In carrying out a review under this section the Court shall, subject to subsection (4), have regard to—

(a) the past and present condition of the worker;

and

(b) the earnings that the worker would have received if he had continued to be employed by the employer in whose employment he was engaged immediately before the incapacity.

(4) In assessing the earnings that a worker would have received if he had continued to be employed by the employer in whose employment he was engaged immediately before an incapacity, the Court may, if it thinks fit to do so, disregard—

(a) any demotion or reduction in classification that the worker would have suffered if he had continued to be so employed;

(b) any reduction of earnings consequent upon a reduction in the worker's ordinary hours of work that would have occurred if the worker had continued to be so employed;

or

(c) any factor that would have affected only temporarily the earnings of the worker if he had continued to be so employed.

7. Section 72 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, subject to subsection (2),”;

and

(b) by striking out subsection (2).

Amendment of
s. 72—
Lump sum in
redemption of
weekly payments.

8. Section 86c of the principal Act is amended by striking out subsections (4), (5) and (6) and substituting the following subsection:

Amendment of
s. 86c—
Reference of cases
to the Workers
Rehabilitation
Advisory Unit.

(4) Where a worker fails to submit himself for counselling by appropriate officers of the Workers Rehabilitation Advisory Unit in accordance

with arrangements made under subsection (3), the Executive Officer shall notify the employer, in writing, of that failure.

Repeal of s. 86e
and heading.

9. Section 86e of the principal Act, and the heading immediately preceding that section, are repealed.

Amendment of
s. 89a—
Certain sporting
injuries not to fall
within the
purview of this
Act.

10. Section 89a of the principal Act is amended—

(a) by striking out subparagraphs (i) and (ii) of paragraph (a) of subsection (1) and substituting the following subparagraphs:

(i) to participate as a contestant in a sporting or athletic activity (and to engage in training or preparation with a view to such participation);

or

(ii) to act as a referee or umpire in relation to a sporting or athletic contest (and to engage in training or preparation with a view to so acting);;

and

(b) by striking out from paragraph (c) of subsection (2) the passage “from participation as a contestant in sporting or athletic activities and from activities related to his participation in sporting or athletic activities” and substituting the passage “from employment of a kind mentioned in subsection (1) (a)”.

Amendment of
s. 118b—
Compulsory
insurance.

11. Section 118b of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) No employer shall employ a worker unless he is fully insured by an insurer against his liability to pay compensation under this Act to, or in respect of, all workers employed by him.

Penalty: Five hundred dollars for each worker employed by him and not covered by a policy of workers compensation insurance.;

and

(b) by striking out subsection (5) and substituting the following subsection:

(5) Where a policy of workers compensation insurance has been issued or renewed, the employer shall, if so required by the insurer—

(a) supply the insurer, before the expiration of one month from the date of issue or renewal of the policy, with a written statement, in the prescribed form, containing an estimate of the total remuneration to be paid by the employer during the

period for which the policy has been issued or renewed to workers covered by the policy;

and

(b) supply the insurer, within two months after the expiration of a period for which the policy was issued or renewed, with a written statement, in the prescribed form, of the total remuneration actually paid by the employer during that period to workers covered by the policy.

Penalty: Five hundred dollars.

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

D. B. DUNSTAN, Governor