



# PARLIMEN MALAYSIA



## **BILL**

**Workmen's Compensation ( Amendment ) 1960**

**D.R.49/1960**



Federation of Malaya

HIS MAJESTY'S GOVERNMENT

# Gazette

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The following Bill introduced into the House of Representatives is published for general information:

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(Presented and read a first time and ordered to be printed,  
22nd February, 1960.)

## A BILL

*intituled*

An Act to amend the Workmen's Compensation Ordinance,  
1952.

[ ]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Workmen's Compensation Short title.  
(Amendment) Act, 1960.

2. Section 3 of the Workmen's Compensation Ordinance, Amendment of section 3. 85 of 1952.  
1952 (in this Act referred to as "the principal Ordinance") is hereby amended by substituting for the definition of "Commissioner" the following new definition:

38 of 1955. " 'Commissioner' means the Commissioner for Labour and all Deputy Commissioners for Labour, State Commissioners for Labour and Assistant State Commissioners for Labour appointed under the Employment Ordinance, 1955, and includes such Labour Officers appointed under the said Ordinance as the Minister may declare to be vested with all or any of the powers conferred or duties imposed upon the Commissioner by this Ordinance;"

3. Section 4 of the principal Ordinance is hereby Amendment of section 4.  
amended—

(a) by adding immediately after the word "compensation" appearing in paragraph (a) of sub-section (1) thereof the following words:

"and any expenses incurred in the treatment and rehabilitation of such workmen under section 15";

(b) by substituting a comma for the fullstop at the end of paragraph (b) of sub-section (1) thereof and adding immediately after the comma the following words:

"except when the injured workman is himself an employee of the public transport service concerned and would otherwise be entitled to receive compensation under paragraph (a) of this sub-section.";

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- (c) by adding the following sub-sections immediately after sub-section (3) thereof:

“(3A) (a) If a workman is injured or dies as a result of an accident which occurs in the State of Singapore or in any other territory which the Minister may from time to time by notification in the *Gazette* prescribe, in circumstances in which if such accident had happened in the Federation such workman would have been entitled to compensation under this Ordinance, the employer of such workman shall be liable to pay compensation in accordance with the provisions of this Ordinance: provided that either the contract of service between such workman and his employer is made within the Federation or the normal place of employment of such workman lies within the Federation.

*Singapore  
Cap. 157.*

(b) If a workman is injured or dies as a result of an accident in the Federation for which compensation is payable under the Workmen's Compensation Ordinance of Singapore, the employer of such workman shall not be liable to pay compensation under this Ordinance in addition to any compensation he is liable to pay under the Workmen's Compensation Ordinance of Singapore.”

Amendment  
of section 8.

**4. Section 8 of the principal Ordinance is hereby amended—**

- (a) by substituting a colon for the semi-colon after the words “said Schedule” at the end of paragraph (c) thereof and by adding thereto the following proviso:

“And provided further that if death follows a period of total or partial temporary disablement, the total of all half-monthly payments paid under paragraph (e) below and the lump sum payable in respect of such death shall together not exceed nine thousand six hundred dollars;”;

- (b) by substituting a comma for the colon at the end of proviso (ii) to paragraph (e) thereof and adding thereto the following:

“subject to a maximum deduction equivalent to the said lump sum;”;

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- (c) by inserting a proviso (iii) immediately after proviso (ii) to paragraph (e) as follows:

“(iii) where resident treatment in a hospital or out-patient medical treatment is necessary as a result of the accident, abstention from work for such treatment shall be regarded as total temporary disablement for the purposes of payment of compensation:”.

5. Sub-section (1) of section 14 of the principal Ordinance is hereby deleted and the following new sub-section substituted therefor: Amendment of section 14.

“(1) When notice of an accident has been given to an employer by a workman or by the Commissioner on the workman's behalf the employer may offer to have the workman examined, free of charge to the workman, by a registered medical practitioner, and the workman shall as soon as possible submit himself for such examination; and any workman who is in receipt of a half-monthly payment under this Ordinance shall, if so required, submit himself for such examination from time to time:

Provided that no workman shall be required to submit himself for such examination otherwise than in accordance with regulations made under this Ordinance.”.

6. Section 15 of the principal Ordinance is hereby amended— Amendment of section 15.

- (a) by substituting the words “the employer shall at his own expense cause such workman to be conveyed to and from such approved hospital for treatment in such manner as in the opinion of the registered medical practitioner is appropriate to his condition” for the words “such workman may be admitted to an approved hospital” which occur in sub-section (1) thereof;
- (b) by numbering sub-section (2) as sub-section (2), paragraph (a), and inserting immediately thereafter a new paragraph (b) as follows:

“(b) Where any injured workman is admitted or attends for treatment under paragraph (a) of this sub-section in a special hospital, his employer shall at his own expense cause such workman to be conveyed to and from such

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special hospital as the registered medical practitioner in charge of such special hospital shall direct.”;

(c) by substituting for the words “either to” appearing in lines 1 and 2 of sub-section (3) thereof the words “to or treated at either”;

(d) by adding immediately after the words “of such artificial limbs” appearing in lines 8 and 9 of sub-section (3) thereof the word and commas “, wheel-chair,”.

New  
section 16A.

7. The principal Ordinance is hereby amended by adding immediately after section 16 thereof a new section as follows:

“Power of  
review.

16A. The Commissioner shall, by virtue of this sub-section, have power to review and to vary any order originally made under the Ordinances and Enactments specified in the Third Schedule to this Ordinance.”.

Amendment  
of section  
27.

8. Sub-section (2) of section 27 of the principal Ordinance is hereby amended by deleting therefrom the words “and shall be made in such form and shall be accompanied by such fee as may be prescribed”.

#### EXPLANATORY STATEMENT

The purpose of this Bill is to remove certain doubts and to clarify certain responsibilities of an employer towards a workman.

2. *Clause 2* is a formal amendment consequent on the introduction of the Employment Ordinance, 1955 (No. 38). *Clause 3* is designed to amend section 4 of the Ordinance in order to make it clear that an employer is liable to pay the expenses of the treatment and rehabilitation of a workman, under section 15, in addition to compensation. The clause also requires an employer to pay compensation in respect of an accident occurring either in the State of Singapore, or in such other territory as the Minister may prescribe, if the contract of service between the employer and workman was made in the Federation, or if the normal place of employment of such workman is within the Federation (see *clause 3 (c)*). The clause is also designed to clarify an ambiguity in section 4 (1) (b) (*clause 3 (b)*).

3. *Clause 4* is designed to clarify the operation of section 8 (c) and (e), relating to deductions of the half-monthly payments made to a workman; *Clause 5* amends section 14 (1) by removing therefrom the power conferred on the Commissioner thereby; and *Clause 6* requires an employer, at his own expense, to provide transport to and from hospital for an injured workman, and also makes it clear that a wheel-chair may be supplied under section 15 (3).

4. *Clause 7* confers on the Commissioner a general power of review of orders made under earlier legislation; and *Clause 8* abolishes the payment of fees, as previously required under section 27 (2), in relation to applications to the Commissioner for an inquiry under that section.

[A.G. 2001.]