

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 11 November, 1920.*

## New South Wales.



ANNO UNDECIMO

# GEORGI V REGIS.

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Act No. 13, 1920.

An Act to provide for the payment of compensation in the case of workmen who suffer death or disablement or are suspended from employment owing to the disease known as fibroid phthisis or silicosis of the lungs, or owing to other diseases of the pulmonary or respiratory organs caused by exposure to silica or other dust; to amend the Workmen's Compensation Act, 1916; and for purposes consequent thereon or incidental thereto. [Assented to, 19th November, 1920.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

R. J. STUART-ROBERTSON,  
*Chairman of Committees of the Legislative Assembly.*

*Workmen's Compensation (Silicosis).*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

**1.** This Act may be cited as the "Workmen's Compensation (Silicosis) Act, 1920," and shall be construed with the Workmen's Compensation Act, 1916, hereinafter called the Principal Act.

Scheme for compensation to workmen. cf. Imperial Act, 8 & 9 Geo. V, c. 14.

**2.** (1) The Minister may, by scheme, provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica or other dust—

- (a) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this Act referred to as silicosis) or from that disease accompanied by tuberculosis, or from any other disease of the pulmonary or respiratory organs caused by exposure to silica or other dust; or
- (b) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, or from any other disease of the pulmonary or respiratory organs caused by such exposure, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment:

Provided that—

- (i) in the case of silicosis accompanied by tuberculosis, provision shall not be made by the scheme for the payment of compensation unless the silicosis was so far advanced as to make such workman specially liable to tuberculosis infection, or, though not so far advanced, was likely to accelerate materially the progress of the disease;

(ii)

*Workmen's Compensation (Silicosis).*

- (ii) any such workman at the date of death or incapacity—
- (a) has been continuously resident in New South Wales during the five years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than three hundred days during such period of five years; or
- (b) has been resident in New South Wales for not less than five years out of the seven years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than five hundred days during such period of seven years;
- (iii) any workman who has been absent from New South Wales upon any kind of service or duty in connection with the late war shall be deemed to have been continuously resident in New South Wales during the period of such absence; and
- (iv) any beneficiary under this Act who leaves New South Wales shall not on that account forfeit his rights.
- (2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis unaccompanied by tuberculosis shall be that prescribed by the Principal Act as amended by any subsequent enactment, and in any other case shall be such as may be prescribed by the scheme.
- (3) Provision may be made by the scheme—
- (a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme;
- (b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme,
- and

cf. Queens-  
land Act.

6 Geo. V, No.  
35, s. 14B.

7 Geo. V, No.  
26 s. 14B.

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*Workmen's Compensation (Silicosis).*

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and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;

(d) for the appointment and remuneration of medical officers and advisory medical bodies, and for their duties and powers in connection with the scheme;

(e) for requiring workmen to whom the scheme applies—

(i) to submit themselves to such periodical medical examination, and

(ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workman to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found to be suffering from silicosis, or from silicosis accompanied by tuberculosis; and

(f) for the application with the necessary modifications of any of the provisions of the Principal Act, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this Act may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act.

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*Workmen's Compensation (Silicosis).*

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- 3.** Any scheme made under this Act shall—
- (i) be published in the 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 in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen 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.

Publication  
and com-  
mencement  
of scheme.

*In the name and on behalf of His Majesty I assent  
to this Act.*

W. E. DAVIDSON,  
*Governor.*

*Sydney, 19th November, 1920.*



WORKMEN'S COMPENSATION (SILICOSIS) BILL.

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*SCHEDULE showing the Legislative Assembly's disagreements from the Legislative Council's Amendments referred to in Message of 28 October, 1920.*

W. S. MOWLE,  
Clerk of the Legislative Assembly.

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Title, lines 4 and 5. *Reinsert* " fibroid phthisis or "  
Title, line 7. *Reinsert* " or other "  
Page 2, clause 2, line 13. *Reinsert* " or other "  
Page 2, clause 2, line 17. *Reinsert* " fibroid phthisis or "  
Page 2, clause 2, line 22. *Reinsert* " or other "

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WORKMEN'S COMPENSATION (SILICOSIS) BILL.

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*SCHEDULE of Amendments referred to in Message of 13th October, 1920.*

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- Title, lines 4 and 5. *Omit* "fibroid phthisis or"  
Title, line 7. *Omit* "or other"  
Page 2, clause 2, line 13. *Omit* "or other"  
Page 2, clause 2, line 17. *Omit* "fibroid phthisis or"  
Page 2, clause 2, line 22. *Omit* "or other"
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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 September, 1920, A.M.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 13th October, 1920.*

## New South Wales.



ANNO UNDECIMO

GEORGII V REGIS.

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Act No. , 1920.

An Act to provide for the payment of compensation in the case of workmen who suffer death or disablement or are suspended from employment owing to the disease known as fibroid ~~phthisis~~ or silicosis of the lungs, or owing to other diseases of the pulmonary or respiratory organs caused by exposure to silica or other dust; to amend the Workmen's Compensation Act, 1916; and for purposes consequent thereon or incidental thereto.

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BE

NOTE.—The words to be omitted are ruled through.

*Workmen's Compensation (Silicosis).*

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

**1.** This Act may be cited as the "Workmen's Com- Short title.  
pensation (Silicosis) Act, 1920," and shall be construed  
with the Workmen's Compensation Act, 1916, hereinafter  
called the Principal Act.

19 **2.** (1) The Minister may, by scheme, provide for the Scheme for  
payment of compensation by the employers of workmen  
to workmen.  
cf. Imperial  
Act, 8 & 9  
Geo. V, c. 14.  
in any specified industry or process or group of industries  
or processes involving exposure to silica ~~or other dust~~—

15 (a) who are certified in such manner as may be  
prescribed by the scheme to have suffered  
death or total disablement from the disease  
known as ~~fibroid phthisis~~ or silicosis of the  
lungs (in this Act referred to as silicosis)  
20 or from that disease accompanied by tuber-  
culosis, or from any other disease of the  
pulmonary or respiratory organs caused by  
exposure to silica ~~or other dust~~; or

25 (b) who, though not totally disabled, are found on  
medical examination to be suffering from  
silicosis, or from silicosis accompanied by  
tuberculosis, or from any other disease of the  
pulmonary or respiratory organs caused by  
30 such exposure, to such a degree as to make it  
dangerous to continue work in the industry or  
process, and are for that reason suspended  
from employment:

Provided that—

35 (i) in the case of silicosis accompanied by tuber-  
culosis, provision shall not be made by the  
scheme for the payment of compensation unless  
the silicosis was so far advanced as to make  
such workman specially liable to tuberculosis  
infection, or, though not so far advanced, was  
likely to accelerate materially the progress of  
40 the disease;

(ii)

*Workmen's Compensation (Silicosis).*

- (ii) any such workman at the date of death or incapacity—
- (a) has been continuously resident in New South Wales during the five years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than three hundred days during such period of five years; or
- (b) has been resident in New South Wales for not less than five years out of the seven years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than five hundred days during such period of seven years;
- (iii) any workman who has been absent from New South Wales upon any kind of service or duty in connection with the late war shall be deemed to have been continuously resident in New South Wales during the period of such absence; and
- (iv) any beneficiary under this Act who leaves New South Wales shall not on that account forfeit his rights.
- (2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis unaccompanied by tuberculosis shall be that prescribed by the Principal Act as amended by any subsequent enactment, and in any other case shall be such as may be prescribed by the scheme.
- (3) Provision may be made by the scheme—
- (a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme;
- (b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and

cf. Queens-  
land Act.6 Geo. V, No.  
35, s. 14B.7 Geo. V, No.  
26, s. 14B.

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*Workmen's Compensation (Silicosis).*

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- and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;
- 5 (c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;
- 10 (d) for the appointment and remuneration of medical officers and advisory medical bodies, and for their duties and powers in connection with the scheme;
- 15 (e) for requiring workmen to whom the scheme applies—
- (i) to submit themselves to such periodical medical examination, and
- 20 (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workman to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found to be suffering from silicosis, or from silicosis accompanied by tuberculosis; and
- 25 (f) for the application with the necessary modifications of any of the provisions of the Principal Act, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.
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(4) Any scheme made under this Act may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act.

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*Workmen's Compensation (Silicosis).*

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**3.** Any scheme made under this Act shall—

Publication  
and com-  
mencement  
of scheme.

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such scheme;

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and

- (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen 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.

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the Act  
to the extent that it is intended to  
extend or amend the provisions of the Act  
(1) Any scheme made under this Act may be  
made subject to such conditions as may be  
imposed by the Commission.

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(1) For the purposes of this Act, the Commission  
may, in relation to any scheme, make such  
arrangements as it thinks fit for the purpose  
of carrying out the provisions of the Act.

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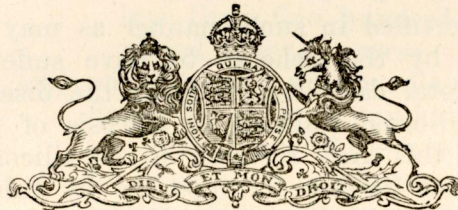
Section 2. Compensation (2)(a)

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W. S. MOWLE,  
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*Legislative Assembly Chamber,  
Sydney, 24 September, 1920, A.M.*

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*Workmen's Compensation (Silicosis).*

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