

1929.

Legislative Council.

## Workers' Compensation (Amendment) Bill.

### EXPLANATORY NOTE.

THIS Bill amends—

- (a) The Workers' Compensation Act, 1926–1927, and
- (b) The Workmen's Compensation (Broken Hill) Act, 1920–1927.

The Workers' Compensation Act, 1926–1927, is to be amended—

- (1) To provide that the definition "injury" shall be brought into line with that contained in the English Act.
- (2) To exclude workers whose remuneration exceeds £550 per year and certain other workers from the definition of "worker."
- (3) To remove the liability of the employer to pay compensation to a worker—
  - (i) for injury received between his place of abode and his place of employment;
  - (ii) beyond the sum of £1,000.
- (4) To make the right of a worker to receive compensation in certain cases for minor injuries contingent on his proving that his earning capacity has been prejudicially affected.
- (5) To limit the amount of medical expenses and include ambulance transport as an expense to be met by the employer.
- (6) To provide for the appointment of a Deputy-Chairman of the Workers' Compensation Commission.
- (7) To alter the law with respect to the medical examination of workers.
- (8) To alter the law relating to the raising of the Fund and to make provision for the audit of the Commission's accounts.

The Workmen's Compensation (Broken Hill) Act, 1920–1927, is to be amended—

- (1) To regulate the payment of compensation to beneficiaries residing abroad.
- (2) To provide for lump sum payments in lieu of weekly payments to persons suffering from pneumoconiosis in the early stages, or from uncomplicated tuberculosis.
- (3) To provide for a review of the present compensates by medical examination.
- (4) To provide that in future cases the payment of compensation in the case of persons suffering from pneumoconiosis, or pneumoconiosis with tuberculosis, be limited to persons whose disability is certified as reasonably attributable to employment in a Broken Hill mine.
- (5) To increase the weekly rate of compensation payable to widows until remarriage.
- (6) To provide for the priority of joint committee claims on the winding-up of a mine-owning company.
- (7) To empower the Joint Committee to review and terminate awards of compensation.



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.

S. G. BOYDELL,  
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,  
Sydney, 22 March, 1929.

## New South Wales.



ANNO UNDEVICESIMO

## GEORGII V REGIS.

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Act No. , 1929.

An Act to amend the Workers' Compensation Act, 1926--1927, the Workmen's Compensation (Broken Hill) Act, 1920, and the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, and certain other Acts; and for purposes connected therewith.

**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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1929." Short title.

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(2)

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(2) The Workers' Compensation Act, 1926-1927, as amended by this Act may be cited as the "Workers' Compensation Act, 1926-1929."

(3) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, and by this Act may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1929.

2. (1) The Workers' Compensation Act, 1926-1927, Amendment of Act No. 15, 1926  
is amended—

(a) (i) by omitting from subsection one of section Sec. 6 (1).  
six the definition of the word "Injury" and (Definitions.)  
by inserting in lieu thereof the following  
definition:—

15 "Injury" means personal injury arising  
out of and in the course of the  
employment and includes a disease  
so arising whether of sudden onset  
20 or of such a nature as to be con-  
tracted by gradual process other  
than a disease caused by silica  
dust";

(ii) by omitting paragraph (a) of the definition  
of the word "Worker" in the same sub-  
25 section and by inserting in lieu thereof the  
following paragraphs:—

(a) any person whose remuneration ex-  
ceeds five hundred and fifty pounds  
per year; or  
30 (a1) a member of the employer's family  
dwelling in his house; or

(b) by adding at the end of subsection three of the Sec. 6 (3).  
same section the following paragraph:—

35 (e) This subsection shall not render the  
owner of a farm liable to pay compensation  
as principal in respect of any worker employed  
by a share farmer;

(c)

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(c) by omitting subsection five of the same section and by inserting in lieu thereof the following new subsection:—

Substituted  
subsection  
6 (5).

5 6. (5) Where any person (in this subsection referred to as the principal) in the course of or for the purposes of his trade or business enters into a contract with any other person (in this subsection referred to as the contractor) under which the contractor agrees—

Sleeper-  
getters and  
sugar cane  
cutters.

10 (a) to supply sleepers and such sleepers are obtained or to be obtained from trees felled or to be felled wholly or partly by the contractor; or

15 (b) to cut sugar cane,  
and the contractor either does not sublet the contract or though employing workers actually performs part of the work himself, the contractor shall, for the purposes of this Act, be deemed to be a worker employed by the principal.

20 (d) by omitting subsections four, six, seven, eight, and nine of the same section.

Subsec. (4), (6),  
(7), (8), (9).

25 (2) The Workers' Compensation (Amendment) Act, 1927, is amended by omitting paragraphs (c) and (d) of section two.

Consequential  
amendment  
Act No. 32 of 1927  
s. 2 (c) (d).

3. The Workers' Compensation Act, 1926-1927, is further amended—

Further  
amendment of  
Act No. 15, 1926.

30 (a) by omitting subsection one of section seven and by inserting in lieu thereof the following subsection:—

Sec. 7.  
(Compensa-  
tion liabilit

35 (1) A worker who has received an injury whether at or away from his place of employment (and in the case of the death of the worker, his dependants) shall receive compensation from his employer in accordance with this Act;

40 (b) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

Subsec. (2).

(2) For the purposes of this Act, injury resulting in the death or serious and permanent

cf. 15 & 16  
Geo. V, ch.  
84, s. 1 (2).

(ii)

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disablement of a worker shall be deemed to arise out of and in the course of his employment notwithstanding that the worker was, at the time when the injury was received, acting in contravention of a statutory or other regulation applicable to his employment, or that he was acting without instructions from his employer, if such act was done by the worker for the purposes of and in connection with his employer's trade or business.

(c) by omitting from paragraph (a) of subsection three of the same section the word "three" and by inserting in lieu thereof the word "seven";

(d) by inserting in subsection five of the same section after the word "purposes" the words "of subsection four of this section and";

(e) by omitting subsection six of the same section. Subsec. (6).

4. The Workers' Compensation Act, 1923-1927, is further amended— Further amendment of Act No. 15, 1926.

(a) (i) by inserting in paragraph (b) of subsection one of section eight, after the word "child" the words "and stepchild of the worker"; Sec. 8 (1).  
(Compensation payments.)

(ii) by inserting in the same paragraph immediately before the word "dependent" the word "wholly";

(b) (i) by omitting from subsection one of section nine the words "section ten" and by inserting in lieu thereof the words "sections ten and eleven"; Sec. 9 (1).  
(Total or partial incapacity.)

(ii) by inserting in the same paragraph after the words "the same employer" the words "Where compensation is payable for incapacity for part of a week the amount shall bear the same ratio to compensation for a full week that normal working time during such part bears to the worker's full normal working week";

(iii) by omitting from paragraph (a) of the same subsection the words "and, in the case of an adult worker, shall not be less than two pounds per week"; (iv)

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- (iv) by inserting in subparagraph (ii) of paragraph (b) of the same subsection after the word "child" the words "and stepchild";
- 5 (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the word "adult" and by inserting in lieu thereof the word "female";
- (c) by omitting from subsection three of section 9 the words "except in the case of a worker whose injury results in total and permanent disablement";
- 10 (d) by inserting at the end of section nine the following new subsections:—
- 15 (5) Where the weekly payments of an adult worker whose average weekly earnings are less than three pounds are to be determined, paragraph (a) of subsection one of this section shall be read as if the words "one hundred per centum" had been substituted for the words "sixty-six and two-thirds per centum," but the compensation per week awarded under that paragraph shall in no such case exceed two pounds.
- 20 (6) No compensation shall be payable in pursuance of subparagraph (i) of paragraph (c) of subsection one of this section unless the female in respect of whom the weekly payment is claimed—
- 25 (a) is an adult and is caring for any child or stepchild of the worker under the age of fourteen years; or
- 30 (b) is a member of the worker's family and is over the age of fourteen years.
- 35 **5.** (1) The Workers' Compensation Act, 1926-1927, is further amended by omitting section ten, and by inserting in lieu thereof the following section:—
- 40 10. (1) Where an injury is received by a worker, and medical or hospital treatment or ambulance service thereby becomes necessary the employer shall, subject to this section, and to the extent therein

Sec. 9 (3).

Sec. 9.

New subsecs.

(5) (6).

Adult worker—  
weekly earnings less than three pounds.

Special provision re female dependents.

Further amendment of Act No. 15, 1926, s. 10.

Medical and hospital treatment, &amp;c.

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5 therein prescribed, be liable to pay in addition to any compensation otherwise provided the cost of such treatment or service as may be reasonably necessary, having regard to the injury received by the worker.

(2) For the purposes of this section—

“Ambulance service” includes any conveyance of an injured worker to a medical practitioner or to a hospital.

10 “Medical treatment” includes—

(a) treatment by a legally qualified medical practitioner, a registered dentist, or a masseur; and

15 (b) the provision of skiagrams, crutches, and artificial members; and

(c) any nursing, medicines, medical or surgical supplies or curative apparatus, supplied or provided for him otherwise than as a patient at a hospital;

20 “Hospital treatment” means treatment at any hospital and includes the maintenance of the worker as a patient at the hospital, and the provision or supply by the hospital of nursing attendance, medicines, medical or surgical supplies or other curative apparatus, and any other ancillary service;

25 “Hospital” includes infirmary.

30 (3) (a) The sum for which an employer shall be liable in respect of the hospital treatment of any worker as an in-patient shall be—

35 (i) in the case of a hospital to which the provisions of Part VI of the Public Hospitals Act, 1929, apply—the amount which the hospital is entitled to demand under the by-laws made by the hospital in pursuance of the said Act, or where there is no by-law fixing such amount, then the cost to the hospital of the hospital treatment calculated in the manner prescribed by regulations made under the said Act;

40 (ii)



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5 (ii) in the case of a hospital to which the provisions of Part VI of the Public Hospitals Act, 1929, do not apply, the cost to the hospital of the hospital treatment, calculated at a rate not exceeding three guineas per week.

10 (b) The sum for which an employer shall be liable in respect of the hospital treatment of any worker as an out-patient shall be calculated at a rate of three shillings per treatment, but not exceeding one guinea per week.

15 (c) The maximum sum for which an employer shall be liable for hospital treatment afforded to a worker in respect of the same injury (whether such treatment is afforded at different stages of the injury or not) shall be twenty-five pounds.

20 (d) The treasurer of a hospital or the officer thereunto authorised in writing by the governing body of the hospital, or, in the case of a private hospital, the manager, may recover from the employer any sum for which the employer becomes liable in respect of hospital treatment under this subsection.

25 (4) (a) The sum for which an employer shall be liable in respect of the medical treatment of a worker shall be such sum as is reasonably appropriate to the treatment afforded, having regard to the reasonable necessity for such treatment and the customary charge made in the community for such treatment to persons other than workers.

30 (b) The maximum sum for which an employer shall be liable for medical treatment afforded to a worker in respect of the same injury (whether such treatment is afforded at different stages of the injury or not) shall be twenty-five pounds.

35 (5) The maximum sum for which an employer shall be liable for ambulance service rendered to a worker shall be one guinea.

40

(6)

*Workers' Compensation (Amendment),*

5 (6) (a) Where a worker receives medical treatment or hospital treatment or ambulance service in respect of an injury he shall without undue delay notify the employer in the manner prescribed that he has received such treatment and furnish him with reasonable particulars of the treatment or service.

10 (b) Where a worker receives medical treatment for an injury his employer shall be entitled to cause an examination of the worker to be conducted in consultation with the person who afforded such medical treatment by a legally qualified medical practitioner selected by the employer.

15 (7) The fact that a worker is a subscriber to a public hospital and is entitled to credit for the amount of his subscription against any charge of the hospital for relief afforded him, or that he is a contributor to an industrial contribution scheme for hospital or ambulance transport purposes and is entitled by reason thereof to treatment at a public hospital or to ambulance transport either at some special rate or free, shall not affect the liability of an employer under this section.

25 (2) The Workers' Compensation (Amendment) Act, 1927, is amended by omitting section three.

Consequential amendment of Act No. 32, 1927, s. 3.

6. The Workers' Compensation Act, 1926-27, is further amended—

Further amendment of Act No. 15, 1926.

30 (a) by omitting from section eleven the word "accident" and by inserting in lieu thereof the word "injury";

Sec. 11. (Partial incapacity.)

35 (b) (i) by omitting from the proviso to paragraph (a) of section fourteen the word "accident" and by inserting in lieu thereof the word "injury";

Sec. 14. (Computation of average weekly earnings.)

40 (ii) by omitting from paragraph (e) of the same section the words "and the compensation shall be computed and assessed accordingly"; and also the words "and assessment of compensation";

(c)

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- 5 (c) (i) by omitting from subsection one of section sixteen the words "Notwithstanding the foregoing provisions of this Part" and by inserting in lieu thereof the words "Notwithstanding the provisions of sections eight, nine, eleven, twelve, thirteen and fifteen of this Act"; Sec. 16 (1). (Compensation for certain injuries.)
- 10 (ii) by inserting at the end of the same subsection the following paragraph:—  
 A worker shall not be entitled to make an election under this subsection in respect of the loss of a thumb, loss of a forefinger, loss of joint of a thumb, loss of little finger, middle finger or ring finger, loss of a toe or the joint of a finger, or loss of a joint of a toe, unless he proves that his earning capacity has by reason of such loss been prejudicially affected.
- 15 (iii) by omitting from subsection two of the same section the word "total";
- 20 (iv) by omitting from the same subsection the words "but any sum so paid shall be deducted from the compensation payable in accordance with the table" and by inserting in lieu thereof the following paragraph:—  
 Where such an election has been made, any payment, allowance, benefit, salary or wages which the worker has received and may receive from his employer in respect of the period of incapacity shall be deducted from the amount payable in accordance with the table.
- 25 (d) (i) by omitting from subsection three of section eighteen the words: "Every such policy shall provide that the insurer shall, as well as the employer, be directly liable to any worker insured under such policy, and, in the event of his death, to his dependents, to pay the compensation for which an employer is liable, and that the insurer shall be
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be bound by and subject to any order, decision, or award made against the employer of such worker under the provisions of this Act”;

- 5 (ii) by omitting from subsection six of the same section the words “a principal and a contractor, or two or more principals are,” and by inserting in lieu thereof the words “several persons may become”;

- 10 (c) by inserting next after section eighteen the following new sections:—

18A. (1) The Commission or an officer New s. 18A. authorised by the Commission in that behalf may Inspection of policies. by notice in writing require an employer—

- 15 (a) to produce for inspection any policy of insurance or indemnity indemnifying him against his liability under this Act; and
- 20 (b) to furnish such particulars in relation thereto as the Commission or officer may deem necessary.

25 (2) Any employer who fails to comply with any such requirement within the time and in the manner stated in the notice shall be guilty of an offence against this Act.

30 18B. A worker shall be entitled to inquire of his employer the name and address of the insurer from whom the employer has obtained a policy of insurance or indemnity against his liability under this Act or if the employer is a self insurer to be so informed. Worker's right to information.

35 Any employer or person acting for an employer in the management of the business who refuses to supply such particulars or who in reply to an inquiry under this section gives any false or misleading information shall be guilty of an offence against this Act.

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7. The Workers' Compensation Act, 1926-1927, is further amended— Further amendments of Act No. 15, 1926.

(a) by inserting at the end of section thirty-two Sec. 32. the following new subsections:—

5 (8) The Governor may, upon a report by Deputy-chairman. the Commission that the chairman is prevented by any cause from attending to any of his judicial duties, or that the Commission is unable to cope promptly and expeditiously with the matters in its list, appoint an additional member of the Commission to be deputy-chairman of the Commission for such time as the Governor may fix.

10 The person so appointed shall be a barrister-at-law of five years' standing.

15 The deputy-chairman shall have the same rank, title, status, precedence, and the same salary, rights, and privileges as a judge of the District Court.

20 In connection with any question, matter, or proceeding arising under this Act, the deputy-chairman shall have the same jurisdiction, powers, authority and immunities as the chairman.

25 (9) The Commission may be constituted by Constitution of Commission. the deputy-chairman and one other member of the Commission other than the chairman. In the case of a difference of opinion, where the deputy-chairman sits with one such member, the determination of the matter shall be postponed until another member, other than the chairman, is present.

30 (10) There may be two sittings of the Sittings. Commission held at the same time.

35 8. The Workers' Compensation Act, 1926-1927, Further amendment of Act No. 15, 1926, s. 37 (4). is further amended by omitting from subsection four of section thirty-seven the words "state a case for the decision of the Supreme Court thereon" and by (Commission may state case.) inserting in lieu thereof the words "and shall, if in the

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the manner and within the time prescribed by rules any party to the proceeding so requests, state a case for the decision of the Supreme Court thereon.

A case may be stated under this section notwithstanding that an award, order, direction or decision has been made or given by the Commission."

9. The Workers' Compensation Act, 1926-1927, is further amended—

- (a) (i) by omitting from paragraph (d) of section thirty-eight the words "an arbitration" and by inserting in lieu thereof the words "a proceeding";
- (ii) by inserting after paragraph (f) of the same section the following new paragraph:—
- (g) make such order as to the payment of costs as it may think just, and may assess the amount of such costs.
- (b) by inserting at the end of section forty-one the following new subsection:—
- (8) After the commencement of the Workers' Compensation (Amendment) Act, 1929, the Commission shall estimate the amount to be expended out of the fund for each year commencing on the first day of July, one thousand nine hundred and twenty-nine and terminating on the thirtieth day of June then next ensuing, and so on from year to year, and the contribution by each insurer to such fund shall be based on the total amount of premiums received by or due to the insurer during the year ending the thirtieth day of June preceding the year of estimate in respect of insurance of employers against their liability to their workers under this Act or at common law excluding any part of the premiums actually paid by way of reinsurance to any other insurer contributing under this Act.
- The contributions to such fund by self-insurers shall be such as the Commission may deem reasonable, having regard to the wages paid

Further amendment of Act No. 15, 1926

Sec. 38. (Proceedings of Commission.)

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paid to their workers for the year ending the thirtieth day of June as hereinbefore defined and to the premium which such self-insurers would have paid had they insured their liability respecting their workers with the Government Insurance Office of New South Wales.

The provisions of subsection five of this section shall apply to the payment of the annual contributions referred to in this subsection.

- (e) (i) by inserting in section forty-two after the word "Commission" where it occurs the second time the words "a certified copy of the balance-sheet for its last financial year together with"; and
- (ii) by omitting from the same section the words "thirty-first day of December" and substituting therefor the words "thirtieth day of June";
- (d) by inserting after section forty-two the following new section:—
- 42A. (1) The accounts of the Commission <sup>Audit.</sup> shall be inspected, examined, audited and reported upon by the Auditor-General, who shall have, in respect to the accounts of the Commission, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of the public accounts.
- (2) Towards defraying the costs and expenses of the audit the Commission shall pay out of the fund to the Colonial Treasurer such sum as may be prescribed by regulation.
- (e) (i) by inserting in paragraph (c) of subsection <sup>Sec. 43.</sup> four of section forty-three after the word <sup>(Summary of Act.)</sup> "accidents" the words "or injuries";
- (ii) by inserting after paragraph (d) of the same subsection the following new paragraph:—
- (e) if the injury has been reported by the employer to the Commission in accordance with the provisions of this Act. (f)

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- (f) by omitting from subsection one of section forty-four the words "personal injury in the course of his employment, or on his journey to or from the place of employment, shall, when the injury results in death or incapacity for work for a period of three days" and by inserting in lieu thereof the words "an injury, shall where the injury results in death or incapacity for work for a period of seven days";
- (g) (i) by inserting at the end of subsection one of section forty-seven the following words: "but any such worker shall not, save to the extent indicated in subsection two of this section, be entitled to receive compensation or benefits under this Act as well as benefits under any other Act";
- (ii) by inserting at the end of the same section the following new subsection:—
- (3) Nothing in this section shall affect any right which such worker or his wife or children may have under the Family Endowment Act, 1927, or the Widows Pensions Act, 1925.
- (h) by omitting from subsection two of section fifty the word "workman" and by inserting in lieu thereof the word "worker";
- (i) by omitting from subsection three of section thirty-three the words "officer of the Commission" and by inserting in lieu thereof the word "person."
- 10.** The Workers' Compensation Act, 1926-1927, is further amended by omitting section fifty-one and by inserting in lieu thereof the following section:—
51. (1) Where a worker has given notice of an injury he shall, if so required by the employer, submit himself to examination by a legally qualified medical practitioner, provided and paid by the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any

Sec. 44 (1).  
(Reports  
injuries.)

Sec. 47 (1).  
(Workers of  
Crown.)

Sec. 50 (2).  
(Medical  
referees.)

Sec. 33 (1).  
(Registrar.)

Further  
amendment  
of Act No. 15,  
1926, s. 51.

Medical  
inspection.



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*Workers' Compensation (Amendment).*

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any proceedings under this Act relating to compensation, shall be suspended until such examination has taken place.

5 (2) Any worker receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself to examination by a legally qualified medical practitioner, provided and paid by the employer. If the worker refuses to submit himself to examination or in any way  
10 obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(3) A worker shall not be required to submit himself for examination by a medical practitioner as herein provided otherwise than in accordance  
15 with rules made by the Commission or at more frequent intervals than may be prescribed by such rules.

(4) Where a worker has so submitted himself  
20 for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the worker, as the case may be, has within six days after such examination furnished the other with a copy of  
25 the report of that practitioner as to the worker's condition, then, in the event of no agreement being come to between the employer and the worker as to the worker's condition or fitness for employment, the Registrar, on application being  
30 made to the Commission by either party, may on payment by the applicant of such fee, not exceeding one pound, as may be prescribed by rules, refer the matter to a medical referee or board.

(5) The medical referee or board to whom  
35 the matter is so referred, shall, in accordance with rules made by the Commission, give a certificate as to the condition of the worker and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit.

40 The certificate of a medical board shall be conclusive evidence as to the matters so certified.

(6)

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5 (6) Where no agreement can be come to between the employer and the worker as to whether or to what extent the incapacity of the worker is due to the injury, the provisions of this section shall, subject to any rules made by the Commission, apply as if the question were one as to the condition of the worker.

10 (7) If the worker, upon being required so to do, refuses to submit himself for examination by a medical referee or board, to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case  
15 of a worker in receipt of a weekly payment, his right to that weekly payment shall be suspended until such examination has taken place.

20 (8) The Commission may submit for report to a medical referee or a medical board any matter which seems material to any question arising in any proceeding.

(9) In this section, the term "medical board" means a board consisting of two or more medical referees.

25 (10) Rules may be made by the Commission prescribing the manner in which documents are to be furnished or served or applications made under this section, and the forms to be used for those purposes, and as to the fee to be paid under this  
30 section.

**11.** The Workers' Compensation Act, 1926-1927, is further amended—

35 (a) (i) by omitting from subsection one of section fifty-three the word "occurrence" and by inserting in lieu thereof the word "happening";

(ii) by inserting after subsection six of the same section the following new subsection:—

40 (7) Where a worker has given notice of injury as prescribed, and he voluntarily or otherwise

Further amendment of Act No. 15, 1928.

Sec. 53.  
(Time for taking proceedings.)

*Workers' Compensation (Amendment).*

5 otherwise leaves the employment in which he was at the time of the injury before he became incapacitated as the result of the injury the worker shall, as soon as practicable after the happening of the incapacity resulting from the injury, give notice of incapacity to the employer.

10 The provisions of this section as to notice of injury shall mutatis mutandis apply to notice of incapacity.

15 (b) by inserting at the end of subsection three of section 53A the following words: "the Commission may of its own motion cause the employer to be served with a copy of such application, and may adjourn the hearing thereof to such date as the Commission may deem suitable"; Sec. 53A. (Default orders.)

20 (c) by inserting at the end of section fifty-eight the following new subsection:— Sec. 58 (Payment into Commission.)

25 (2) Where a minor elects to accept a lump sum in accordance with the provisions of section sixteen of this Act, such lump sum shall, unless otherwise ordered, be paid into the office of the Commission, and, subject to rules made by the Commission, be invested, applied, or otherwise dealt with by the Commission in such manner as in its discretion the Commission thinks fit for the benefit of the minor. The receipt of the Registrar shall be a sufficient discharge in respect of the amount paid in.

30 **12.** The Workers' Compensation Act, 1926-1927, is further amended by inserting after section seventy the following new section:— Further amendment of Act No. 15, 1926. New s. 71.

35 71. (1) For the purpose of giving effect to the resolution adopted at an Imperial conference held in London in the year one thousand nine hundred and twenty-six, recommending that arrangements should be made between the different parts of the Transfer of funds. cf. 17 & 18 Geo. V, c. 15.

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*Workers' Compensation (Amendment).*

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5 Empire whereby sums awarded under the law relating to workmen's compensation in one part of the Empire to beneficiaries resident or becoming resident in another part of the Empire may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in that part of the Empire in which such beneficiaries reside, and inviting the several Governments of the Empire to take such steps by way of legislation or otherwise as each may consider necessary and appropriate for the purpose of promoting such arrangements:—

- 10
- 15 (a) The Premier of the State of New South Wales shall be vested with authority on behalf of the State to enter into arrangements for the purposes indicated above;
- 20 (b) the Governor may make regulations under this or any other Workmen's Compensation Act in force in this State to provide, in the event of any such arrangement as is mentioned in the said resolution being made between Great Britain and any other part of his Majesty's Dominions and this State—
- 25 (i) for the transfer, in such manner as may be provided by the arrangement, to Great Britain or the part of His Majesty's Dominion with which the arrangement is made, of any money
- 30 paid into the Commission, or to any other competent authority under this or any other Workmen's Compensation Act in force in this State, or any rules and regulations made thereunder, to be applied for the benefit of any person resident in or about to reside in Great Britain, or in the part of His Majesty's Dominions with which the arrangement has been
- 35 made.
- 40
- (ii)

*Workers' Compensation (Amendment).*

- (ii) for the receipt and administration by the Commission of any money which under any such arrangement has been transmitted from Great Britain or the part of His Majesty's Dominions with which the arrangement has been made, to be applied for the benefit of any person resident in or about to reside in New South Wales.
- (2) Compensation shall be payable to a worker or his dependants only where such worker or his dependants are resident in New South Wales or in any other part of His Majesty's Dominions, or in a foreign country whose laws make reciprocal provisions for the payment of compensation to the dependants resident in New South Wales, of a worker killed or injured in such foreign country.
- (3) For the purposes of this section "His Majesty's Dominions" includes territories under His Majesty's protection and such, if any, of the territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty as His Majesty may by Order in Council direct shall be treated as if they were included in His Majesty's Dominions for the purposes of the Imperial Act entitled the Workmen's Compensation (Transfer of Funds) Act, 1927.
- 13.** (1) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by the Workmen's Compensation (Broken Hill) Amendment Act, 1927, is further amended—
- (a) by inserting next after section seven the following new section:—
- 7A. (1) The provisions of section seventy-one of the Workers' Compensation Act, 1926-1929, relating to the payment of compensation to a worker or his dependants not resident in New South Wales shall, mutatis mutandis, apply in respect of the payment of compensation under this Act in such parts of the Empire or in such foreign countries only in which
- Further amendment of Act No. 36, 1920.
- Beneficiaries residing abroad.

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which laws exist for the payment of compensation to persons suffering from pneumoconiosis with tuberculosis reasonably attributable to their employment, and their dependents.

5 (2) No payment shall be made outside the Commonwealth of Australia unless the beneficiary obtains the written permission of the joint committee to reside out of the Commonwealth of Australia.

10 (3) Such permission may be given subject to such conditions as to proof of identity as to periodical medical examinations and as to method of payment as the joint committee may insert in the permission.

15 Upon the breach of any such condition, the joint committee may suspend the payment of the compensation until the condition is fulfilled or revoke the permission.

20 (4) Where prior to the commencement of the Workers' Compensation (Amendment) Act, 1929, a beneficiary has left Australia with the concurrence of the joint committee, payment shall continue to be made subject to such conditions as to proof of identity and periodical medical examination and method of payment as the joint committee may impose in any particular case.

25 (b) by inserting next after section ten the following new sections:—

30 11. (1) Any person to whom this Act applies, certified after the commencement of the Workers' Compensation (Amendment) Act, 1929, by the medical authority as suffering from pneumoconiosis uncomplicated by tuberculosis and as physically capable of earning the living wage at any labouring work shall be awarded as compensation and in lieu of weekly payments a lump sum of two hundred and fifty pounds; and any such person certified after the said commencement by the medical authority to be suffering from pneumoconiosis uncomplicated

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*Workers' Compensation (Amendment).*

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5 uncomplicated by tuberculosis and as not physically capable of earning the living wage at any labouring work by reason mainly of such disease shall be awarded as compensation a lump sum of five hundred pounds.

10 (2) Where such a person has been awarded a lump sum compensation of two hundred and fifty pounds, and subsequently is certified by the medical authority to be suffering from pneumoconiosis uncomplicated with tuberculosis, and not physically capable of earning the living wage at any labouring work by reason mainly of such disease, he shall be awarded a further lump sum payment of two hundred and fifty pounds.

15 (3) Where a person who has received a lump sum payment of compensation and is subsequently certified by the medical authority to be suffering from pneumoconiosis with tuberculosis or to be suffering from pneumoconiosis in such an advanced stage as to render him physically unfit for any class of work, he shall, on application to the joint committee, be granted weekly payments of compensation at the rates provided in the scheme set out in the Schedule to this Act commencing as from the date fixed by the committee as that would, if paid in weekly payments at the rate appropriate to the particular case, have become exhausted.

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35 12. Except in the case of a mine worker or "hard-luck case" who at the commencement of the Workers' Compensation (Amendment) Act, 1929, is in receipt of compensation for and is thereafter certified by the medical authority to be suffering from pneumoconiosis or pneumoconiosis with tuberculosis no mine worker, "hard-luck case," or mine employee shall receive any compensation unless the pneumoconiosis or pneumoconiosis

Provisions as to compensation.

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*Workers' Compensation (Amendment).*

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5 pneumoconiosis with tuberculosis in respect  
of which he claims to be entitled to  
compensation is certified by the medical  
authority to be reasonably attributable to  
his employment in a Broken Hill mine and  
he has submitted himself for examination  
by the medical authority—

10 (a) within three months of ceasing employ-  
ment in a Broken Hill mine, and before  
he leaves Broken Hill, and has made a  
claim within five years of ceasing such  
employment and is certified by the  
15 medical authority to be suffering from  
pneumoconiosis or pneumoconiosis with  
tuberculosis; or

20 (b) within twelve months after the com-  
mencement of the Workers' Compensa-  
tion (Amendment) Act, 1929, where he  
has ceased employment in a Broken  
Hill mine prior to such commencement  
and has made a claim before a date five  
years after ceasing such employment  
25 or twelve months after the said com-  
mencement, whichever is the later,  
and is certified by the medical authority  
to be suffering from pneumoconiosis  
or pneumoconiosis with tuberculosis :

30 Provided that where a mine worker or mine  
employee is certified by the medical authority  
to be suffering from tuberculosis without pneu-  
moconiosis during his employment underground  
in a Broken Hill mine, or within twelve months  
of the date he ceases to be so employed, or within  
35 twelve months of the said commencement he  
shall be awarded as compensation a lump sum  
of two hundred and fifty pounds irrespective  
of whether such tuberculosis was attributable  
to such employment or not :

40 Provided further that any person to whom  
this Act applies or extends who has already  
been certified by the medical authority to be  
suffering



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5 suffering from tuberculosis without pneumo-  
coniosis, and who is hereafter certified by the  
medical authority to be still so suffering, shall  
be entitled to compensation on a similar basis  
to that provided for a person suffering from  
10 pneumoconiosis or pneumoconiosis with tuber-  
culosis in section eleven either by way of  
lump sum payments or weekly rates appro-  
priate to his particular case, as certified by the  
medical authority, irrespective of whether he  
was employed underground or on the surface,  
or whether such tuberculosis was reasonably  
attributable to such employment or not.

15 13. (1) Where a lump sum payment is  
awarded to any person under this Act, such  
award shall, subject to subsection three of  
section eleven, be in substitution for any  
weekly payment in respect of the same person  
under the scheme of compensation set out in  
20 the Schedule to this Act.

Provisions  
relating to  
lump sum  
payments.

(2) Any lump sum payment may be  
made in two or more instalments as the joint  
committee may determine.

25 (3) Any weekly payment of compen-  
sation made in respect of any period after the  
commencement of the Workers' Compensation  
(Amendment) Act, 1929, shall be deducted  
from any lump sum payment.

30 (4) (a) Any amount necessary to provide  
any lump sum payment awarded to a mine  
worker shall be levied by the joint committee  
in pursuance of the scheme set out in the  
Schedule.

35 (b) Any amount necessary to provide  
any lump sum or weekly payment awarded to  
a "hard luck" case shall, subject to the pro-  
visions of subsection two of section ten, be  
levied by the joint committee in pursuance of  
40 the said scheme.

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14. In making an award of compensation under the said scheme, the joint committee shall take into account and have regard to—

Matters to be considered by joint committee.

- 5 (a) any old age, invalid, military, or other pension or allowance received by the applicant;
- 10 (b) any earnings of the applicant or contribution to the upkeep of his home by members of his family; and
- (c) any profits derived from any trade, business undertaking or calling carried on by the applicant in which he is interested.

15 And the joint committee may abate the rates of compensation payable under the scheme accordingly.

20 15. (1) So soon as practicable after the commencement of the Workers' Compensation (Amendment) Act, 1929, and thereafter at the times prescribed by the medical authority, the joint committee shall, where the medical authority recommends, require by notice in writing any mine worker, mine employee, or any person certified by the Workers' Compensation Commission in accordance with paragraph (a) of subsection one of section ten to have been on the first day of January one thousand nine hundred and twenty-seven included in the list of "hard luck" cases eligible for payment of the "hard luck" allowance, to whom this Act applies or is extended and who is in receipt of any compensation to present himself to the medical authority for examination at the place and time specified in the notice.

35 (2) Subject to section twelve, only such person as is certified by the medical authority to be suffering from pneumoconiosis or pneumoconiosis with tuberculosis reasonably attributable to employment in a Broken Hill mine,

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*Workers' Compensation (Amendment).*

mine, and for that reason has ceased to be so employed, shall continue to be entitled to any compensation under this Act.

- 5 16. (1) Any claim of the joint committee for moneys due and owing as contributions or in lieu of contributions under this Act by a mine owner at the date of commencement of the winding up, if the mine owner is a company which is being wound up, shall, notwithstanding anything to the contrary in any other law contained, have priority over all other debts (including debts secured by mortgage, debenture, pledge, or lien) of the mine owner excepting only—
- 10
- 15 (a) the costs, charges and expenses properly incurred in the winding up including the remuneration of the liquidator or liquidators; and
- 20 (b) wages or salary due to any person employed by the mine owner in so far as such wages or salary are or is given preference in the case of the winding up of a company by any law governing such winding up.
- 25 (2) Nothing in this section shall be deemed to deprive any person, to whom a mine owner owed a debt immediately prior to the commencement of the Workers' Compensation (Amendment) Act, 1929, of any right which
- 30 such person may then have had, to claim payment of such debt in priority to any claim of the joint committee.
- 35 (c) (i) by inserting in paragraph two of Part I of the Schedule the following new definition: "Child" includes stepchild";
- 40 (ii) by omitting from the definition of "Compensation" in the same paragraph all the words after the word "means" and inserting in lieu thereof the words "the benefits prescribed by this Act";

Priority of claims on the winding up.

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*Workers' Compensation (Amendment).*

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- (iii) by omitting from paragraph three, Part II, the words "and (ii) the joint committee is satisfied that employment at the above-mentioned wage is available";
- 5 (iv) by omitting from sub-paragraph (c) of paragraph six, Part II, of the Schedule, the figure "2" and inserting in lieu thereof the figures "2 10 0";
- 10 (v) by omitting sub-paragraph (i) of the same paragraph and by inserting at the end of the same paragraph the following proviso:—
- 15 "Provided further that no compensation shall be awarded in respect of a wife or child of a marriage contracted after the commencement of the Workers' Compensation (Amendment) Act, 1929, or the date of the certificate of the medical authority under paragraph three (whichever is the later)";
- 20 (vi) by inserting at the end of paragraph eleven, Part II, of the Schedule, the words: "The joint committee may terminate any award of compensation upon being furnished by the medical authority with a certificate
- 25 that a person to whom this scheme applies is no longer suffering from pneumoconiosis and/or tuberculosis";
- 30 (vii) by inserting at the end of paragraph twenty-three, Part III, of the Schedule, the words: "and the joint committee may permit or require a mine owner to pay such capital sum in such instalments and subject to such conditions as the joint committee may direct.
- 35 Any such capital sum or instalment thereof may be sued for and recovered by the joint committee as a civil debt.
- (viii) (a) by omitting from paragraph forty-two, Part V, of the Schedule, the word "shall"

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*Workers' Compensation (Amendment).*

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“ shall ” where first occurring and by inserting in lieu thereof the word “ may ”;

5 (b) by inserting at the end of the same paragraph the following words:—  
“ Save upon the recommendation of the medical authority no warrant for re-examination shall be issued by the joint committee to any mine worker  
10 more frequently than once in six months ”;

(ix) by inserting at the end of paragraph forty-seven, Part VI, of the Schedule: “ It shall be the duty of a mine-owner to furnish to the joint committee from time to time as  
15 required full particulars of payments of compensation under this Act to mine employees.”

(2) The amendments made by this section shall  
20 be deemed to extend to and from the commencement of this Act apply in respect of all mine workers, mine employees, and “ hard-luck ” cases in receipt of compensation under the Workers' Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts, as well as to  
25 persons becoming entitled to compensation after such commencement, but nothing in this section shall affect the right of any of the eighteen persons named in the list filed with the Workers' Compensation Commission to continue to receive weekly payments of compensation  
30 so long as he is resident on and in possession of a farm on the Mirrool Irrigation Areas, or until the Workers' Compensation Commission is satisfied that the net profits of the farm are greater than the amount of the compensation in any one year: Provided, however, if  
35 any such person ceases to be resident on and in possession of a farm on the Mirrool Irrigation Areas, he shall be entitled to have the provisions of section eleven of the Workmen's Compensation (Broken Hill) Act, 1920-1927, as amended by this Act, applied to his  
40 case.

Any

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*Workers' Compensation (Amendment).*

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Any lump sum payment made to any such person shall not be subject to the provisions of subsection three of section thirteen of the Workmen's Compensation (Broken Hill) Act, 1920-1927, as amended by this Act.