

No. , 1939.

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## A BILL

To extend the law relating to workers' compensation to workers employed in and about a coal mine; to amend the Workers' Compensation Act, 1926-1938, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. L. O. MARTIN, *on behalf of* MR. GOLLAN;—  
3 November, 1939.]

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**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 :—

5 **1.** (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1939."

Short title,  
construction,  
commencement  
and citation.

29395 338—

(2)



*Workers' Compensation (Amendment).*

(2) The Workers' Compensation Act, 1926-1938, as amended by this Act, is in this Act referred to as the Principal Act.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation in the Gazette.

(4) The Principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1926-1939.

**2.** The Principal Act is amended—

Amendment  
of Act No.  
15, 1926.

10 (a) (i) by inserting in subsection one of section six next before the definition of "Commission" the following new definition—

Sec. 6 (1).  
(Defini-  
tions.)

15 "Coal mine" means a mine of coal situated in New South Wales and includes any shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to a mine of coal.

(Coal mine.)  
cf. Act No.  
37, 1912,  
s. 3.

20 (ii) by inserting in the same subsection at the end of the definition of "injury," the following words: "but in the case of a worker employed in or about a coal mine 'injury' includes a disease caused by silica dust or any other dust whatsoever";

30 (b) (i) by inserting in subsection four of section seven after the word "due" the words "other than an employment in or about a coal mine";

Sec. 7 (4).  
(Industrial  
disease.)

35 (ii) by inserting in the same subsection after the words "determined by the Commission" the following words:—

In the case of an employment in or about a coal mine any employer who, within the period of six years preceding the incapacity of the worker, employed that  
worker



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*Workers' Compensation (Amendment).*

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worker in or about a coal mine, shall be liable to make to the employer by whom compensation is payable such contributions as in default of agreement may be determined by the Commission.

5 (iii) by inserting in the same subsection after the word "injury" the following words: "or in the case of an employment in or about a coal mine during the six years preceding the injury";

10 (iv) by inserting at the end of the same subsection the following words:—

15 Compensation shall not be payable to a worker employed in or about a coal mine or to his dependants by reason of his incapacity or death resulting from injury due to dust unless at the time of his incapacity or death—

20 (a) he has been continuously resident in New South Wales for not less than three hundred days, and

25 (b) (i) he was employed in a coal mine in New South Wales at the date of the commencement of the Workers' Compensation (Amendment) Act, 1939, or

30 (ii) he has been so employed whether previously to or since such commencement for not less than three hundred days in all.

35 Any worker who has been absent from New South Wales on war service shall be deemed to have been continuously resident in New South Wales during the period of such service.

40 "War service" for the purposes of this subsection shall have the meaning ascribed to that expression in the Defence Act 1903-1939 of the Commonwealth of Australia.

(c)



*Workers' Compensation (Amendment).*

(c) by inserting at the end of subsection three of section forty-four the following new subsection:—

Sec. 44.

5 (4) The Commission shall furnish annually to the Department of Mines— (New sub-sec. (4).)  
(Returns.)

(a) a list of all claims for compensation under this Act for injuries due to dust;

(b) a copy of the case history of each claimant on such list;

10 (c) a copy of the certified finding of the medical board in each such claim;

(d) a statement showing in which of such claims nominees of the parties were members of the medical board;

15 (e) a statement of the result of each such claim.

(d) by inserting in subsection five of section fifty-one after the words "he is fit" the following words:—

Sec. 51 (5).  
(Medical inspection.)

20 Where the injury to a worker employed in or about a coal mine is due to dust the worker and the employer shall each have the right to nominate in the manner prescribed by rules made by the Commission a legally qualified medical practitioner who shall be appointed by the Commission as an additional referee and member of the medical board in that case. Sub-  
25 section two of section fifty shall not apply to a legally qualified medical practitioner so  
30 appointed. The board, if requested by the Commission to do so shall, in addition to the matters set out in the first paragraph of this subsection give a certificate as to—

35 (a) whether the worker is incapacitated to any, and if so what extent;

(b) whether the incapacity resulted from injury in the form of disease caused by dust;

(c).



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*Workers' Compensation (Amendment).*

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- (c) whether the worker is suffering from any other and if so what disease or disability;
- (d) if so, was such disease or disability aggravated or accelerated by the inhalation or effect of dust in his employment;
- 10 (e) any other matter of a medical nature which is referred to it by the Commission.

[7d.]











