

*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.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 10 April, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to provide for certain increases in amounts payable by way of compensation under the Workers' Compensation Act, 1926, the Workers' Compensation (Silicosis) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts; for this and other purposes to amend the said Acts; and for purposes connected therewith.

81025 210—A

BE

Workers' Compensation (Amendment).

BE it enacted by the Queen'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1957". Short title and citation.

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

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1957.

2. (1) The Principal Act is amended—

Amendment of Act No. 15, 1926.

15 (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "two thousand five hundred pounds" and by inserting in lieu thereof the words "two thousand seven hundred and fifty pounds"; Sec. 8. (Compensation payments—Death.)

20 (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

25 (b) (i) by omitting from paragraph (a) of subsection one of section nine the words "eight pounds sixteen shillings" and by inserting in lieu thereof the words "nine pounds fifteen shillings"; Sec. 9. (Total or partial incapacity.)

30 (ii) by omitting from the same paragraph the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";

35 (iii) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- 5 (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 10 (vi) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- 15 (vii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1953" and by inserting in lieu thereof the figures "1957";
- 20 (viii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
- 25 (ix) by omitting from the same paragraph the words "the basic wage" where **secondly** occurring and by inserting in lieu thereof the words "the State basic wage";
- 30 (x) by inserting in paragraph (c) of the same subsection after the words "this Act" in the definition of "basic wage" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- 35 (xi) by inserting at the end of the same paragraph the following new definition:—
"State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in
in

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in accordance with paragraph (a)
or (b) of subsection two of section
61K of the Industrial Arbitration
Act, 1940-1956.

- 5 (xii) by omitting from subsection two of the
same section the words "twelve pounds
sixteen shillings" and by inserting in lieu
thereof the words "fourteen pounds five
shillings";
- 10 (xiii) by omitting from subsection four of the
same section the words "five pounds five
shillings" and by inserting in lieu thereof
the words "six pounds";
- 15 (xiv) by omitting from the same subsection the
words "four pounds five shillings" and by
inserting in lieu thereof the words "four
pounds ten shillings";
- 20 (xv) by omitting from subsection five of the
same section the words "seven pounds
thirteen shillings" and by inserting in lieu
thereof the words "eight pounds ten
shillings";
- 25 (xvi) by omitting from the same subsection the
words "five pounds fifteen shillings" and
by inserting in lieu thereof the words "six
pounds seven shillings and sixpence";
- 30 (c) (i) by omitting from paragraph (b) of subsec- Sec. 11.
tion one of section eleven the figures "1951" (Partial
and by inserting in lieu thereof the figures incapacity.)
"1957";
- (ii) by omitting from the same paragraph the
words "or the basic wage" and by inserting
in lieu thereof the words "the basic wage or
the State basic wage";
- (iii)

Workers' Compensation (Amendment).

5 (iii) by omitting from the same paragraph the words "the basic wage" where secondly and thirdly occurring and by inserting in lieu thereof the words "the State basic wage";

(iv) by omitting from paragraph (c) of the same subsection the figures "1951" and by inserting in lieu thereof the figures "1957";

10 (v) by omitting from the same paragraph the words "basic wage" and by inserting in lieu thereof the words "State basic wage";

15 (vi) by inserting in paragraph (d) of the same subsection in the definition of "basic wage" after the words "this Act" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";

(vii) by inserting at the end of the same paragraph the following new definition:—

20 "State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

30 (d) by omitting subsection two of section fourteen and by inserting in lieu thereof the following subsection:—

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

35 (2) In this section "basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

(e)

Workers' Compensation (Amendment).

(e) by omitting the Table set forth at the end of section sixteen and by inserting in lieu thereof the following Table:—

Sec. 16.
(Compensation for certain injuries.)

TABLE.

5	Nature of injury.	Amount payable.		
		£	s.	d.
	Loss of either arm, or of the greater part thereof	2,100	0	0
10	Loss of lower part of either arm, either hand, or five fingers of either hand ...	1,800	0	0
	Loss of a leg or of the greater part thereof	1,950	0	0
	Loss of the lower part of a leg	1,650	0	0
	Loss of a foot	1,600	0	0
15	Loss of sight of one eye, with serious diminution of the sight of the other...	1,950	0	0
	*Loss of sight of one eye	1,100	0	0
	Loss of hearing	1,600	0	0
	Complete deafness of one ear	725	0	0
20	Loss of a thumb	725	0	0
	Loss of a forefinger	500	0	0
	Loss of joint of a thumb	450	0	0
	Loss of little finger, middle finger or ring finger	275	0	0
25	Loss of a toe or the joint of a finger ...	225	0	0
	Loss of a joint of a toe	135	0	0
	Loss of great toe	500	0	0
	Loss of joint of forefinger or of joint of great toe	275	0	0

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* For the partial loss of sight of one eye there shall be payable such percentage of the amount that would be payable for the total loss of the sight thereof as is equal to the percentage of the diminution of sight.

(2)

Workers' Compensation (Amendment).

(2) The amendments made by subparagraphs (i), (ii), (iii), (iv), (v), (vi), (xii), (xiii), (xiv), (xv) and (xvi) of paragraph (b) of subsection one of this section shall be deemed to extend to, and from the commencement of this Act, apply in respect of all persons in receipt of weekly payments under the provisions of section nine of the Principal Act and under the provisions of the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts, as well as to all persons becoming entitled to weekly payments under any of such provisions after such commencement.

Increased
weekly
payments—
retroactive.
Act No. 21,
1953, s. 3
(2).

3. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

(a) (i) by omitting paragraph (a) of the definition of "Worker" in subsection one of section six;

Sec. 6.
(Defini-
tions.)

(ii) by inserting at the end of subsection (14c) of the same section the words "Provided that a person who takes part in a bona fide amateur contest or performance conducted or held by a charity registered under the Charitable Collections Act, 1934-1941, or which is exempted from registration by or under that Act, shall not, for the purposes of this subsection, be deemed to be engaged for fee or reward by reason only of the fact that a trophy or certificate is offered or awarded as a prize in such contest or performance";

(b) (i) by omitting subsection (1A) of section seven and by inserting in lieu thereof the following subsection:—

Sec. 7.
(Liability of
employers to
workers for
injuries.)

(1A) Where an employer has a place of employment in New South Wales or is for the time being present in New South Wales and there employs a worker, and such worker whilst outside New South Wales receives

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5 receives an injury under circumstances
which had the injury been received in New
South Wales would entitle him to compen-
sation in accordance with this Act, such
worker (and in the case of the death of the
worker, his dependants) shall receive com-
pensation in accordance with this Act, and
the provisions of this Act shall apply,
mutatis mutandis, to and in respect of such
10 injury:

Provided that—

- 15 (a) compensation shall not be payable
pursuant to this subsection if in
respect of such injury the worker
has (and in the case of the death
of the worker, his dependants
have) received workers' compen-
sation under the laws of any
20 country, any part of the Common-
wealth of Australia (other than
New South Wales), the Common-
wealth of Australia or any
territory under the authority of
the Commonwealth of Australia or
25 obtained judgment against his
employer independently of this
Act;
- 30 (b) if the worker receives compensa-
tion pursuant to this subsection in
respect of such injury and subse-
quently in respect of such injury
receives workers' compensation
under the laws of any country, any
35 part of the Commonwealth of
Australia (other than New South
Wales), the Commonwealth of
Australia or any territory under
the authority of the Commonwealth
of Australia or obtains judgment
40 against his employer independently
of

Workers' Compensation (Amendment).

of this Act, such employer shall be entitled to recover from such worker the amount of compensation paid by him pursuant to this subsection.

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(ii) by inserting at the end of subsection (2B) of the same section the words "The provisions of this subsection shall be deemed to extend to and, from the commencement of the Workers' Compensation (Amendment) Act, 1957, apply to all workers in receipt of weekly payments under the provisions of section nine of this Act in respect of injuries received before the commencement of the Workers' Compensation (Amendment) Act, 1953, as well as to all persons entitled to weekly payments under the said provisions in respect of injuries received after the commencement of the Workers' Compensation (Amendment) Act, 1953."

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(iii) by inserting next after subsection (2c) of the same section the following new subsection:—

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(2D) (a) Where in respect of any period of incapacity a worker is entitled to receive any payment, allowance or benefit for sick leave under any Act, award, industrial agreement or contract of employment, and the worker does not make an election pursuant to subsection (2c) of this section, the employer may, notwithstanding the provisions of such Act, award, agreement or contract, pay to the worker the difference between the amount of compensation applicable in respect of such period of incapacity and the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

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(b)

Workers' Compensation (Amendment).

5 (b) Any payment made by an employer pursuant to this subsection in respect of such period of incapacity shall not exceed the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity and shall be in addition to the amount of compensation applicable in respect of such period of incapacity.

10 (c) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is equivalent to the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall cease and determine.

20 (d) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is less than the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall be reduced by an amount which bears to such payment, allowance or benefit for sick leave the same proportion as the payment made by the employer pursuant to this subsection in respect of such period of incapacity bears to the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(iv)

Workers' Compensation (Amendment).

(iv) by inserting next after subsection (4A) of the same section the following new subsection:—

5 (4B) The condition known as "boiler-maker's deafness", and any deafness of like origin, shall for the purposes of subsection four of this section be deemed to be a disease and to be of such a nature as to be contracted by a gradual process. Milne v. International Combustion Australia Limited. [1953] W.C.R. 80.

10 (c) by inserting at the end of paragraph (b) of subsection one of section eight the words "and in respect of each child under the age of sixteen years to whom the worker stood in loco parentis and who was so dependent"; Sec. 8. (Compensation payments—Death.)

15 (d) by inserting next after section 10A the following new section:— New sec. 10B.

20 10B. A worker who has met with an accident arising out of and in the course of his employment and whose clothing has, as a result thereof, been damaged shall be entitled to receive by way of compensation from his employer the reasonable cost of repairing or, if necessary, replacing the articles of clothing so damaged but shall not, in respect of damage resulting from any such accident, be entitled under this section to a sum exceeding twenty-five pounds, or such greater sum as may be prescribed, unless the Commission, upon application made from time to time by or on behalf of the worker, directs that the worker shall be paid a further sum to be specified in the order. Damage to clothing.

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25 The provisions of subsection three of section seven and sections forty and fifty-three and Part VIII of this Act shall apply, mutatis mutandis, to any damage sustained by a worker to which this section applies.

Workers' Compensation (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

(a) (i) by inserting in paragraph (i) of the defini- Sec. 17B.
tion of "Injury" in subsection one of (Interpre-
section 17B after the word "operations" the tation.)
words "or preparatory work";

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(ii) by inserting in paragraph (ii) of the same
definition after the words "carried out" the
words "or preparatory work was or is to
be carried out";

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(iii) by inserting in the same definition after
the words "preventive operations" where
thirdly, fourthly and fifthly occurring the
words "or preparatory work";

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(iv) by inserting at the end of the same sub-
section the following new definition:—

"Preparatory work" means—

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(a) the training or instruc-
tion of persons, by means
of demonstrations, exer-
cises, competitions or
otherwise, in the fighting
of bush fires, or in the
carrying out of bush fire
preventive operations, or

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(b) the examination, prepara-
tion, maintenance, adjust-
ment or repair of any
vehicle, equipment or
thing used or intended to
be used by a bush fire bri-
gade for the fighting of
bush fires or for the carry-
ing out of bush fire pre-
ventive operations,

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and the giving or receiving of
such training or instruction, or the
carrying

Workers' Compensation (Amendment).

carrying out or assisting to carry out such examination, preparation, maintenance, adjustment or repair, shall be deemed to be carrying out preparatory work.

5

(b) by inserting in subsection three of section 17c after the words "bush fire preventive operations" the words "or preparatory work";

Sec. 17c.
(Compensation payable to fire fighters for injury received.)

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(c) (i) by inserting in paragraph (a) of section 17d after the words "bush fire preventive operations" the words "or preparatory work";

Sec. 17d.
(Indemnity for destruction of or damage to personal effects, vehicles, etc.)

15

(ii) by inserting in paragraph (b) of the same section after the words "bush fire preventive operations" the words "or preparatory work";

(iii) by inserting in the same paragraph after the words "such operations were" the words "or such work was";

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(iv) by inserting in the same section after the words "deputy group captain" where secondly occurring the following word and new paragraph:—

"or

25

(c) any vehicle—

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(i) used for the conveyance of a fire fighter between his place of abode or place of employment, or the place from which he was called, and the bush fire,

Workers' Compensation (Amendment).

fire, and owned by or in the possession or custody of the fire fighter, or

5 (ii) used for the conveyance of the captain, deputy captain, or any member of a bush fire brigade or the group captain or deputy group captain of any bush fire brigades between his place of abode or place of employment, or the place from which he was called and the place where bush fire preventive operations or preparatory work were or was being or are or is to be carried out and owned by or in the possession or custody of such captain, deputy captain, member, group captain or deputy group captain,

25 where such conveyance was made exclusively and bona fide for the purpose of fighting the bush fire, or of carrying out the bush fire preventive operations or preparatory work, as the case may be;”.

5. (1) The Principal Act is further amended—

30 (a) by inserting at the end of subsection ten of section 30A the words “The chairman shall be entitled to receive such remuneration by way of fees, travelling allowances or otherwise as may be prescribed by regulations made under this Act and until the regulations so prescribe remuneration at the rate of two hundred and fifty pounds per annum”;

Further amendment of Act No. 15, 1926. Sec. 30A. (Insurance Premiums Committee.)

(b)

Workers' Compensation (Amendment).

- (b) by inserting next after section 53A the following new section:—

5 53B. Where a worker after receiving an injury makes any statement in writing in relation to that injury to his employer or to an insurer or to any person acting on behalf of such employer or insurer, such statement shall not be admitted in evidence or used in any proceedings before the Commission unless the employer or insurer has at least fourteen days before the hearing furnished to the worker or to the solicitor or agent acting on behalf of the worker in the proceedings a copy in writing of such statement.

- 10
15 (c) by inserting next after section sixty-two the following new section:—

20 62A. Every award or order of the Commission for the payment of compensation shall carry interest at the rate of five per centum per annum from the time when the award or order is entered up or made, or from the time when the money is payable pursuant thereto (whichever of such times is the later) until the money is paid, and such interest shall be deemed to be compensation payable pursuant to the award or order.

25 (2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-four.

- 30 **6.** Any policy of insurance against liability under the Workers' Compensation Act, 1926, or any amendment of that Act, being maintained in force at the commencement of this Act shall be deemed to insure the employer and always to have insured the employer against any additional liability to which he may become liable during the currency of the policy under any amendment of the Workers' Compensation Act, 1926, as amended by subsequent Acts, made by this Act. Where a person is in receipt of compensation at the commencement of this Act

New sec.
53B.Statements
by injured
workers.New sec.
62A.Interest on
awards and
orders.Subsisting
policies.
Act No. 20,
1951, s. 6.

Workers' Compensation (Amendment).

Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act. .

5 7. (1) The Workmen's Compensation (Broken Hill) Citation.
Act, 1920, as amended by subsequent Acts and by this
Act, may be cited as the Workmen's Compensation
(Broken Hill) Act, 1920-1957.

(2) The Workmen's Compensation (Broken Hill) Amendment
10 Act, 1920-1953, is amended— of Act
No. 36, 1920.

(a) by omitting from paragraph three of Part II Schedule
of the Schedule the words "basic wage for adult par. 3.
males assessed on the index number for Broken
Hill contained in the Retail Price Index Num-
bers published by or by the direction of the
15 Commonwealth Court of Conciliation and Arbi-
tration for the next preceding calendar quarter"
and by inserting in lieu thereof the words "basic
wage for adult males assessed and calculated
20 under and in accordance with subparagraph (i)
of paragraph (a) of subsection three of section
61k of the Industrial Arbitration Act, 1940-
1956";

(b) (i) by omitting from subparagraph (e) of para- Schedule
graph six of Part II of the Schedule the par. 6.
words "basic wage for adult males assessed
on the index number for Broken Hill con-
tained in the Retail Price Index Numbers
published by or by the direction of the Com-
monwealth Court of Conciliation and Arbi-
tration for the next preceding calendar
quarter" and by inserting in lieu thereof the
words "basic wage for adult males assessed
and calculated under and in accordance with
subparagraph (i) of paragraph (a) of sub-
section three of section 61k of the Industrial
35 Arbitration Act, 1940-1956";

(ii)

Workers' Compensation (Amendment).

- 5 (ii) by omitting from the same paragraph the words "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)";
- 10 (c) by omitting subparagraph (b) of paragraph 6A^{Schedule} of Part II of the Schedule and by inserting in^{par. 6A.} lieu thereof the following subparagraph:—
- 15 (b) The additional amounts of compensation shall, subject to any deductions required to be made by subparagraph (c) of this paragraph, be as follows:—
- | | | | Per week. | | |
|----|-------|---|-----------|----|----|
| | | | £ | s. | d. |
| 20 | (i) | Single man or
widower | 5 | 10 | 0 |
| | (ii) | Married man .. | 5 | 10 | 0 |
| | | Additional payment
in respect of
wife | 1 | 10 | 0 |
| 25 | (iii) | Each widow until
remarriage .. | 3 | 2 | 6 |

30 (3) The amendments made by paragraphs (b) and (c) of subsection two of this section shall be deemed to extend to, and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as well as to all persons becoming entitled to compensation thereunder after such commencement.

Workers' Compensation (Amendment).

(4) (a) Notwithstanding anything contained in this section, any additional amount of compensation which is payable by virtue of the operation of this section in respect of any mine worker who was on or before the
5 first day of May, one thousand nine hundred and nineteen, last employed by Amalgamated Zinc (De Bavay's) Limited shall be paid by the joint committee out of the amount paid to the joint committee under paragraph
10 twenty-two of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920-1953, by Amalgamated Zinc (De Bavay's) Limited.

(b) Any additional amount of compensation payable under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as amended by this section, in
15 respect of any such mine worker, shall, when the amount paid to the joint committee as referred to in paragraph (a) of this subsection is exhausted, be paid out of the fund established under Part III of the Schedule to the said Act.

WORKERS' COMPENSATION (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to amend the Workers' Compensation Act, 1926-1954—
 - (a) to increase certain amounts payable thereunder as compensation;
 - (b) to include in the definition of "worker" workers whose ordinary remuneration exceeds two thousand pounds per annum;
 - (c) to provide, in like circumstances as compensation is now payable under section 10A of the said Act, for the payment of compensation to a worker who sustains damage to his clothing;
 - (d) to provide that the condition known as boilermaker's deafness shall be deemed to be an industrial disease;
 - (e) to make provision for the payment of compensation from the Bush Fire Fighters Compensation Fund—
 - (i) in respect of the destruction of or damage to vehicles while used for the transport of persons engaged in bush fire fighting and allied operations;
 - (ii) in respect of injuries sustained by persons taking part in exercises, competitions, demonstrations and other forms of training for bush fire fighting work, or testing, examining or maintaining bush fire fighting equipment;
 - (f) to extend the provisions relating to the compensation of workers injured while absent from New South Wales so as to apply whether the injury was received within or outside the Commonwealth of Australia and its territories;
 - (g) to provide that the amount payable on the death of a worker in respect of his dependent children and stepchildren shall also be payable in respect of a dependent child to whom he stands in loco parentis;
 - (h) to provide that persons taking part in a contest or performance conducted by certain charities shall not be deemed to be workers engaged for fee or reward by reason only of the fact that a trophy or certificate is offered as a prize in such a contest or performance;
 - (i) to render inadmissible in proceedings for the recovery of compensation certain statements made by a worker where a copy of such statement has not been furnished to the worker;

- (j) to provide for the payment of an allowance to the chairman of the Insurance Premiums Committee;
 - (k) to provide that awards and orders of the Workers' Compensation Commission shall carry interest at the rate of five per cent. per annum;
 - (l) to extend to all workers receiving compensation payments after the commencement of the Bill, whether injured before or after such commencement, the provisions of the Act relating to the entitlement of a worker to payment for holidays, annual holidays and long service leave;
 - (m) to authorise the payment to a worker, in supplementation of weekly compensation payments, of a proportion of his wages by way of sick leave;
 - (n) to effect certain other amendments of a machinery character or incidental to the above;
- (2) to amend the Workmen's Compensation (Broken Hill) Act, 1920-1953—
- (a) by increasing certain compensation payments prescribed by paragraph 6A of the Broken Hill Mines (Pneumoconiosis-Tuberculosis) Compensation Scheme;
 - (b) to remove the provision precluding payment of compensation under that Scheme 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.
-

No. , 1957.

A BILL

To provide for certain increases in amounts payable by way of compensation under the Workers' Compensation Act, 1926, the Workers' Compensation (Silicosis) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts; for this and other purposes to amend the said Acts; and for purposes connected therewith.

[MR. LANDA;—27 *March*, 1957.]

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BE it enacted by the Queen'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
5 the same, as follows :—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1957". Short title
and citation.

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

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1957.

2. (1) The Principal Act is amended—

Amendment
of Act No.
15, 1926.

15 (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "two thousand five hundred pounds" and by inserting in lieu thereof the words "two thousand seven hundred and fifty pounds"; Sec. 8.
(Compensation pay-
ments—
Death.)

20 (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

25 (b) (i) by omitting from paragraph (a) of subsection one of section nine the words "eight pounds sixteen shillings" and by inserting in lieu thereof the words "nine pounds fifteen shillings"; Sec. 9.
(Total or
partial
incapacity.)

30 (ii) by omitting from the same paragraph the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";

35 (iii) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- 5 (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 10 (vi) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- 15 (vii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1953" and by inserting in lieu thereof the figures "1957";
- (viii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
- 20 (ix) by omitting from the same paragraph the words "the basic wage" where secondly occurring and by inserting in lieu thereof the words "the State basic wage";
- 25 (x) by inserting in paragraph (c) of the same subsection after the words "this Act" in the definition of "basic wage" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- 30 (xi) by inserting at the end of the same paragraph the following new definition:—
- 35 "State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in

Workers' Compensation (Amendment).

in accordance with paragraph (a) or (b) of subsection two of section 61K of the Industrial Arbitration Act, 1940-1956.

- 5 (xii) by omitting from subsection two of the same section the words "twelve pounds sixteen shillings" and by inserting in lieu thereof the words "fourteen pounds five shillings";
- 10 (xiii) by omitting from subsection four of the same section the words "five pounds five shillings" and by inserting in lieu thereof the words "six pounds";
- 15 (xiv) by omitting from the same subsection the words "four pounds five shillings" and by inserting in lieu thereof the words "four pounds ten shillings";
- 20 (xv) by omitting from subsection five of the same section the words "seven pounds thirteen shillings" and by inserting in lieu thereof the words "eight pounds ten shillings";
- 25 (xvi) by omitting from the same subsection the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";
- 30 (c) (i) by omitting from paragraph (b) of subsection one of section eleven the figures "1951" and by inserting in lieu thereof the figures "1957";
- (ii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
- (iii)

Sec. 11.
(Partial
incapacity.)

Workers' Compensation (Amendment).

- 5 (iii) by omitting from the same paragraph the words "the basic wage" where secondly and thirdly occurring and by inserting in lieu thereof the words "the State basic wage";
- (iv) by omitting from paragraph (c) of the same subsection the figures "1951" and by inserting in lieu thereof the figures "1957";
- 10 (v) by omitting from the same paragraph the words "basic wage" and by inserting in lieu thereof the words "State basic wage";
- 15 (vi) by inserting in paragraph (d) of the same subsection in the definition of "basic wage" after the words "this Act" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- (vii) by inserting at the end of the same paragraph the following new definition:—
- 20 "State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.
- 25
- 30 (d) by omitting subsection two of section fourteen and by inserting in lieu thereof the following subsection:—
- (2) In this section "basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.
- 35
- (e)

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

Workers' Compensation (Amendment).

(e) by omitting the Table set forth at the end of section sixteen and by inserting in lieu thereof the following Table:—

Sec. 16.
(Compensation for certain injuries.)

TABLE.

5	Nature of injury.	Amount payable.		
		£	s.	d.
	Loss of either arm, or of the greater part thereof	2,100	0	0
10	Loss of lower part of either arm, either hand, or five fingers of either hand ...	1,800	0	0
	Loss of a leg or of the greater part thereof	1,950	0	0
	Loss of the lower part of a leg	1,650	0	0
	Loss of a foot	1,600	0	0
15	Loss of sight of one eye, with serious diminution of the sight of the other...	1,950	0	0
	*Loss of sight of one eye	1,100	0	0
	Loss of hearing	1,600	0	0
	Complete deafness of one ear	725	0	0
20	Loss of a thumb	725	0	0
	Loss of a forefinger	500	0	0
	Loss of joint of a thumb	450	0	0
	Loss of little finger, middle finger or ring finger	275	0	0
25	Loss of a toe or the joint of a finger ...	225	0	0
	Loss of a joint of a toe	135	0	0
	Loss of great toe	500	0	0
	Loss of joint of forefinger or of joint of great toe	275	0	0

30

* For the partial loss of sight of one eye there shall be payable such percentage of the amount that would be payable for the total loss of the sight thereof as is equal to the percentage of the diminution of sight.

(2)

Workers' Compensation (Amendment).

(2) The amendments made by subparagraphs (i), (ii), (iii), (iv), (v), (vi), (xii), (xiii), (xiv), (xv) and (xvi) of paragraph (b) of subsection one of this section shall be deemed to extend to, and from the commencement of this Act, apply in respect of all persons in receipt of weekly payments under the provisions of section nine of the Principal Act and under the provisions of the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts, as well as to all persons becoming entitled to weekly payments under any of such provisions after such commencement.

Increased weekly payments—retroactive. Act No. 21, 1953, s. 3 (2).

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

- (a) (i) by omitting paragraph (a) of the definition of "Worker" in subsection one of section six;
 (ii) by inserting at the end of subsection (14c) of the same section the words "Provided that a person who takes part in a bona fide amateur contest or performance conducted or held by a charity registered under the Charitable Collections Act, 1934-1941, or which is exempted from registration by or under that Act, shall not, for the purposes of this subsection, be deemed to be engaged for fee or reward by reason only of the fact that a trophy or certificate is offered or awarded as a prize in such contest or performance";
- (b) (i) by omitting subsection (1A) of section seven and by inserting in lieu thereof the following subsection:—
 (1A) Where an employer has a place of employment in New South Wales or is for the time being present in New South Wales and there employs a worker, and such worker whilst outside New South Wales receives

Sec. 6. (Definitions.)

Sec. 7. (Liability of employers to workers for injuries.)

Workers' Compensation (Amendment).

5 receives an injury under circumstances
which had the injury been received in New
South Wales would entitle him to compen-
sation in accordance with this Act, such
worker (and in the case of the death of the
worker, his dependants) shall receive com-
pensation in accordance with this Act, and
the provisions of this Act shall apply,
mutatis mutandis, to and in respect of such
10 injury:

Provided that—

- 15 (a) compensation shall not be payable
pursuant to this subsection if in
respect of such injury the worker
has (and in the case of the death
of the worker, his dependants
20 have) received workers' compen-
sation under the laws of any
country, any part of the Common-
wealth of Australia (other than
New South Wales), the Common-
wealth of Australia or any
territory under the authority of
the Commonwealth of Australia or
25 obtained judgment against his
employer independently of this
Act;
- 30 (b) if the worker receives compen-
sation pursuant to this subsection in
respect of such injury and subse-
quently in respect of such injury
receives workers' compensation
under the laws of any country, any
part of the Commonwealth of
35 Australia (other than New South
Wales), the Commonwealth of
Australia or any territory under
the authority of the Commonwealth
of Australia or obtains judgment
40 against his employer independently
of

Workers' Compensation (Amendment).

of this Act, such employer shall be entitled to recover from such worker the amount of compensation paid by him pursuant to this subsection.

5

(ii) by inserting at the end of subsection (2b) of the same section the words "The provisions of this subsection shall be deemed to extend to and, from the commencement of the Workers' Compensation (Amendment) Act, 1957, apply to all workers in receipt of weekly payments under the provisions of section nine of this Act in respect of injuries received before the commencement of the Workers' Compensation (Amendment) Act, 1953, as well as to all persons entitled to weekly payments under the said provisions in respect of injuries received after the commencement of the Workers' Compensation (Amendment) Act, 1953."

10

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(iii) by inserting next after subsection (2c) of the same section the following new subsection:—

25

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(2b) (a) Where in respect of any period of incapacity a worker is entitled to receive any payment, allowance or benefit for sick leave under any Act, award, industrial agreement or contract of employment, and the worker does not make an election pursuant to subsection (2c) of this section, the employer may, notwithstanding the provisions of such Act, award, agreement or contract, pay to the worker the difference between the amount of compensation applicable in respect of such period of incapacity and the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(b)

Workers' Compensation (Amendment).

5 (b) Any payment made by an employer pursuant to this subsection in respect of such period of incapacity shall not exceed the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity and shall be in addition to the amount of compensation applicable in respect of such period of incapacity.

10 (c) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is equivalent to the payment, allowance or benefit for sick leave which the worker is
15 entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall cease and determine.

20 (d) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is less than the payment, allowance or benefit for
25 sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall be reduced by an amount
30 which bears to such payment, allowance or benefit for sick leave the same proportion as the payment made by the employer pursuant to this subsection in respect of such period of incapacity bears to the ordinary remuneration which the worker, had he not
35 been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(iv)

Workers' Compensation (Amendment).

(iv) by inserting next after subsection (4A) of the same section the following new subsection:—

5 (4B) The condition known as “boiler-maker’s deafness”, and any deafness of like origin, shall for the purposes of subsection four of this section be deemed to be a disease and to be of such a nature as to be contracted by a gradual process. Milne v. International Combustion Australia Limited. [1953] W.C.R. 80.

10 (c) by inserting at the end of paragraph (b) of subsection one of section eight the words “and in respect of each child under the age of sixteen years to whom the worker stood in loco parentis and who was so dependent”;
Sec. 8. (Compensation payments—Death.)

15 (d) by inserting next after section 10A the following new section:— New sec. 10B.

20 10B. A worker who has met with an accident arising out of and in the course of his employment and whose clothing has, as a result thereof, been damaged shall be entitled to receive by way of compensation from his employer the reasonable cost of repairing or, if necessary, replacing the articles of clothing so damaged but shall not, in respect of damage resulting from any such accident, be entitled under this section to a sum exceeding twenty-five pounds, or such greater sum as may be prescribed, unless the Commission, upon application made from time to time by or on behalf of the worker, directs that the worker shall be paid a further sum to be specified in the order. Damage to clothing.

25

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35 The provisions of subsection three of section seven and sections forty and fifty-three and Part VIII of this Act shall apply, mutatis mutandis, to any damage sustained by a worker to which this section applies.

Workers' Compensation (Amendment).

4. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

Sec. 17B. (Interpretation.)

5 (a) (i) by inserting in paragraph (i) of the definition of "Injury" in subsection one of section 17B after the word "operations" the words "or preparatory work";

(ii) by inserting in paragraph (ii) of the same definition after the words "carried out" the words "or preparatory work was or is to be carried out";

10 (iii) by inserting in the same definition after the words "preventive operations" where thirdly, fourthly and fifthly occurring the words "or preparatory work";

15 (iv) by inserting at the end of the same subsection the following new definition:—

"Preparatory work" means—

20 (a) the training or instruction of persons, by means of demonstrations, exercises, competitions or otherwise, in the fighting of bush fires, or in the carrying out of bush fire preventive operations, or

25 (b) the examination, preparation, maintenance, adjustment or repair of any vehicle, equipment or thing used or intended to be used by a bush fire brigade for the fighting of bush fires or for the carrying out of bush fire preventive operations,

35 and the giving or receiving of such training or instruction, or the carrying

Workers' Compensation (Amendment).

carrying out or assisting to carry out such examination, preparation, maintenance, adjustment or repair, shall be deemed to be carrying out preparatory work.

5

- (b) by inserting in subsection three of section 17c Sec. 17c. after the words "bush fire preventive operations" the words "or preparatory work"; (Compensation payable to fire fighters for injury received.)

10

- (c) (i) by inserting in paragraph (a) of section 17D Sec. 17D. after the words "bush fire preventive operations" the words "or preparatory work"; (Indemnity for destruction of or damage to personal effects, vehicles, etc.)

15

- (ii) by inserting in paragraph (b) of the same section after the words "bush fire preventive operations" the words "or preparatory work";

20

- (iii) by inserting in the same paragraph after the words "such operations were" the words "or such work was";

- (iv) by inserting in the same section after the words "deputy group captain" where secondly occurring the following word and new paragraph:—

"or

25

- (c) any vehicle—

30

- (i) used for the conveyance of a fire fighter between his place of abode or place of employment, or the place from which he was called, and the bush fire,

Workers' Compensation (Amendment).

fire, and owned by or in the possession or custody of the fire fighter, or

- 5 (ii) used for the conveyance of the captain, deputy captain, or any member of a bush fire brigade or the group captain or deputy group captain of any bush fire brigades between his place of abode or place of employment, or the place from which he was called and the place where bush fire preventive operations or preparatory work were or was being or are or is to be carried out and owned by or in the possession or custody of such captain, deputy captain, member, group captain or deputy group captain,
- 10
- 15
- 20

where such conveyance was made exclusively and bona fide for the purpose of fighting the bush fire, or of carrying out the bush fire preventive operations or preparatory work, as the case may be;”.

25

5. (1) The Principal Act is further amended—

- 30 (a) by inserting at the end of subsection ten of section 30A the words “The chairman shall be entitled to receive such remuneration by way of fees, travelling allowances or otherwise as may be prescribed by regulations made under this Act and until the regulations so prescribe remuneration at the rate of two hundred and fifty pounds per annum”;
- 35

Further amendment of Act No. 15, 1926.

Sec. 30A. (Insurance Premiums Committee.)

(b)

Workers' Compensation (Amendment).

(b) by inserting next after section 53A the following New sec. 53B.
new section:—

5 53B. Where a worker after receiving an injury Statements by injured workers.
makes any statement in writing in relation to
that injury to his employer or to an insurer or
to any person acting on behalf of such employer
or insurer, such statement shall not be admitted
in evidence or used in any proceedings before
10 the Commission unless the employer or insurer
has at least fourteen days before the hearing
furnished to the worker or to the solicitor or
agent acting on behalf of the worker in the pro-
ceedings a copy in writing of such statement.

15 (c) by inserting next after section sixty-two the New sec. 62A.
following new section:—

20 62A. Every award or order of the Commission Interest on awards and orders.
for the payment of compensation shall carry
interest at the rate of five per centum per annum
from the time when the award or order is
entered up or made, or from the time when the
money is payable pursuant thereto (whichever
of such times is the later) until the money is
paid, and such interest shall be deemed to be
25 compensation payable pursuant to the award or
order.

(2) The amendment made by paragraph (a) of
subsection one of this section shall be deemed to have
commenced upon the first day of July, one thousand nine
hundred and fifty-four.

30 **6.** Any policy of insurance against liability under the Subsisting policies.
Workers' Compensation Act, 1926, or any amendment of
that Act, being maintained in force at the commencement Act No. 20, 1951, s. 6.
of this Act shall be deemed to insure the employer and
always to have insured the employer against any addi-
35 tional liability to which he may become liable during the
currency of the policy under any amendment of the
Workers' Compensation Act, 1926, as amended by sub-
sequent Acts, made by this Act. Where a person is in
receipt of compensation at the commencement of this
Act

Workers' Compensation (Amendment).

Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

5 7. (1) The Workmen's Compensation (Broken Hill) Citation.
Act, 1920, as amended by subsequent Acts and by this
Act, may be cited as the Workmen's Compensation
(Broken Hill) Act, 1920-1957.

10 (2) The Workmen's Compensation (Broken Hill) Amendment
Act, 1920-1953, is amended— of Act
No. 36, 1920.

(a) by omitting from paragraph three of Part II Schedule
of the Schedule the words "basic wage for adult par. 3.
males assessed on the index number for Broken
Hill contained in the Retail Price Index Num-
bers published by or by the direction of the
15 Commonwealth Court of Conciliation and Arbi-
tration for the next preceding calendar quarter"
and by inserting in lieu thereof the words "basic
wage for adult males assessed and calculated
20 under and in accordance with subparagraph (i)
of paragraph (a) of subsection three of section
61k of the Industrial Arbitration Act, 1940-
1956";

(b) (i) by omitting from subparagraph (e) of para- Schedule
graph six of Part II of the Schedule the par. 6.
words "basic wage for adult males assessed
on the index number for Broken Hill con-
tained in the Retail Price Index Numbers
published by or by the direction of the Com-
monwealth Court of Conciliation and Arbi-
tration for the next preceding calendar
quarter" and by inserting in lieu thereof the
words "basic wage for adult males assessed
and calculated under and in accordance with
subparagraph (i) of paragraph (a) of sub-
section three of section 61k of the Industrial
Arbitration Act, 1940-1956";

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from the same paragraph the words "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)";
- 5
- 10 (c) by omitting subparagraph (b) of paragraph 6A Schedule of Part II of the Schedule and by inserting in par. 6A. lieu thereof the following subparagraph:—
- (b) The additional amounts of compensation shall, subject to any deductions required to be made by subparagraph (c) of this paragraph, be as follows:—
- 15
- | | | | Per week. | | |
|----|---|-------|-----------|----|----|
| | | | £ | s. | d. |
| 20 | (i) Single man or widower .. .. | .. .. | 5 | 10 | 0 |
| | (ii) Married man .. | .. | 5 | 10 | 0 |
| | Additional payment in respect of wife | | | | |
|  |  | .. .. | 1 | 10 | 0 |
| 25 | (iii) Each widow until remarriage .. .. | .. .. | 3 | 2 | 6 |
- (3) The amendments made by paragraphs (b) and (c) of subsection two of this section shall be deemed to extend to, and from the commencement of this Act apply
- 30 in respect of all persons who were immediately before such commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as well as to all persons becoming entitled to compensation thereunder after such commencement.
- 210—B (4)

Workers' Compensation (Amendment).

(4) (a) Notwithstanding anything contained in this section, any additional amount of compensation which is payable by virtue of the operation of this section in respect of any mine worker who was on or before the
5 first day of May, one thousand nine hundred and nineteen, last employed by Amalgamated Zinc (De Bavay's) Limited shall be paid by the joint committee out of the amount paid to the joint committee under paragraph twenty-two of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920-1953, by Amalgamated
10 Zinc (De Bavay's) Limited.

(b) Any additional amount of compensation payable under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as amended by this section, in
15 respect of any such mine worker, shall, when the amount paid to the joint committee as referred to in paragraph (a) of this subsection is exhausted, be paid out of the fund established under Part III of the Schedule to the said Act.

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 22, 1957.

An Act to provide for certain increases in amounts payable by way of compensation under the Workers' Compensation Act, 1926, the Workers' Compensation (Silicosis) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts; for this and other purposes to amend the said Acts; and for purposes connected therewith. [Assented to, 29th April, 1957.]

Workers' Compensation (Amendment).

BE it enacted by the Queen'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
and citation.

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1957".

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts, 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, 1926-1957.

Amendment
of Act No.
15, 1926.

2. (1) The Principal Act is amended—

Sec. 8.
(Compensa-
tion pay-
ments—
Death.)

(a) (i) by omitting from paragraph (a) of subsection one of section eight the words "two thousand five hundred pounds" and by inserting in lieu thereof the words "two thousand seven hundred and fifty pounds";

(ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

Sec. 9.
(Total or
partial
incapacity.)

(b) (i) by omitting from paragraph (a) of subsection one of section nine the words "eight pounds sixteen shillings" and by inserting in lieu thereof the words "nine pounds fifteen shillings";

(ii) by omitting from the same paragraph the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";

(iii) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- (v) by omitting from subparagraph (i) of paragraph (e) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";
- (vi) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- (vii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1953" and by inserting in lieu thereof the figures "1957";
- (viii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
- (ix) by omitting from the same paragraph the words "the basic wage" where secondly occurring and by inserting in lieu thereof the words "the State basic wage";
- (x) by inserting in paragraph (c) of the same subsection after the words "this Act" in the definition of "basic wage" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- (xi) by inserting at the end of the same paragraph the following new definition:—

"State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in

Workers' Compensation (Amendment).

in accordance with paragraph (a) or (b) of subsection two of section 61K of the Industrial Arbitration Act, 1940-1956.

- (xii) by omitting from subsection two of the same section the words "twelve pounds sixteen shillings" and by inserting in lieu thereof the words "fourteen pounds five shillings";
 - (xiii) by omitting from subsection four of the same section the words "five pounds five shillings" and by inserting in lieu thereof the words "six pounds";
 - (xiv) by omitting from the same subsection the words "four pounds five shillings" and by inserting in lieu thereof the words "four pounds ten shillings";
 - (xv) by omitting from subsection five of the same section the words "seven pounds thirteen shillings" and by inserting in lieu thereof the words "eight pounds ten shillings";
 - (xvi) by omitting from the same subsection the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";
- Sec. 11.
(Partial incapacity.)
- (c) (i) by omitting from paragraph (b) of subsection one of section eleven the figures "1951" and by inserting in lieu thereof the figures "1957";
 - (ii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
 - (iii)

Workers' Compensation (Amendment).

- (iii) by omitting from the same paragraph the words "the basic wage" where secondly and thirdly occurring and by inserting in lieu thereof the words "the State basic wage";
- (iv) by omitting from paragraph (c) of the same subsection the figures "1951" and by inserting in lieu thereof the figures "1957";
- (v) by omitting from the same paragraph the words "basic wage" and by inserting in lieu thereof the words "State basic wage";
- (vi) by inserting in paragraph (d) of the same subsection in the definition of "basic wage" after the words "this Act" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- (vii) by inserting at the end of the same paragraph the following new definition:—

"State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

- (d) by omitting subsection two of section fourteen and by inserting in lieu thereof the following subsection:—

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

(2) In this section "basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

(e)

Workers' Compensation (Amendment).

Sec. 16.
(Compensation for certain injuries.)

(e) by omitting the Table set forth at the end of section sixteen and by inserting in lieu thereof the following Table:—

TABLE.

Nature of injury.	Amount payable.		
	£	s.	d.
Loss of either arm, or of the greater part thereof	2,100	0	0
Loss of lower part of either arm, either hand, or five fingers of either hand ...	1,800	0	0
Loss of a leg or of the greater part thereof	1,950	0	0
Loss of the lower part of a leg	1,650	0	0
Loss of a foot	1,600	0	0
Loss of sight of one eye, with serious diminution of the sight of the other...	1,950	0	0
*Loss of sight of one eye	1,100	0	0
Loss of hearing	1,600	0	0
Complete deafness of one ear	725	0	0
Loss of a thumb	725	0	0
Loss of a forefinger	500	0	0
Loss of joint of a thumb	450	0	0
Loss of little finger, middle finger or ring finger	275	0	0
Loss of a toe or the joint of a finger ...	225	0	0
Loss of a joint of a toe	135	0	0
Loss of great toe	500	0	0
Loss of joint of forefinger or of joint of great toe	275	0	0

* For the partial loss of sight of one eye there shall be payable such percentage of the amount that would be payable for the total loss of the sight thereof as is equal to the percentage of the diminution of sight.

Workers' Compensation (Amendment).

(2) The amendments made by subparagraphs (i), (ii), (iii), (iv), (v), (vi), (xii), (xiii), (xiv), (xv) and (xvi) of paragraph (b) of subsection one of this section shall be deemed to extend to, and from the commencement of this Act, apply in respect of all persons in receipt of weekly payments under the provisions of section nine of the Principal Act and under the provisions of the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts, as well as to all persons becoming entitled to weekly payments under any of such provisions after such commencement.

Increased weekly payments—retroactive.
Act No. 21, 1953, s. 3 (2).

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) (i) by omitting paragraph (a) of the definition of "Worker" in subsection one of section six;

Sec. 6. (Definitions.)

(ii) by inserting at the end of subsection (14c) of the same section the words "Provided that a person who takes part in a bona fide amateur contest or performance conducted or held by a charity registered under the Charitable Collections Act, 1934-1941, or which is exempted from registration by or under that Act, shall not, for the purposes of this subsection, be deemed to be engaged for fee or reward by reason only of the fact that a trophy or certificate is offered or awarded as a prize in such contest or performance";

(b) (i) by omitting subsection (1A) of section seven and by inserting in lieu thereof the following subsection:—

Sec. 7. (Liability of employers to workers for injuries.)

(1A) Where an employer has a place of employment in New South Wales or is for the time being present in New South Wales and there employs a worker, and such worker whilst outside New South Wales receives

Workers' Compensation (Amendment).

receives an injury under circumstances which had the injury been received in New South Wales would entitle him to compensation in accordance with this Act, such worker (and in the case of the death of the worker, his dependants) shall receive compensation in accordance with this Act, and the provisions of this Act shall apply, mutatis mutandis, to and in respect of such injury:

Provided that—

- (a) compensation shall not be payable pursuant to this subsection if in respect of such injury the worker has (and in the case of the death of the worker, his dependants have) received workers' compensation under the laws of any country, any part of the Commonwealth of Australia (other than New South Wales), the Commonwealth of Australia or any territory under the authority of the Commonwealth of Australia or obtained judgment against his employer independently of this Act;
- (b) if the worker receives compensation pursuant to this subsection in respect of such injury and subsequently in respect of such injury receives workers' compensation under the laws of any country, any part of the Commonwealth of Australia (other than New South Wales), the Commonwealth of Australia or any territory under the authority of the Commonwealth of Australia or obtains judgment against his employer independently
of

Workers' Compensation (Amendment).

of this Act, such employer shall be entitled to recover from such worker the amount of compensation paid by him pursuant to this subsection.

- (ii) by inserting at the end of subsection (2B) of the same section the words "The provisions of this subsection shall be deemed to extend to and, from the commencement of the Workers' Compensation (Amendment) Act, 1957, apply to all workers in receipt of weekly payments under the provisions of section nine of this Act in respect of injuries received before the commencement of the Workers' Compensation (Amendment) Act, 1953, as well as to all persons entitled to weekly payments under the said provisions in respect of injuries received after the commencement of the Workers' Compensation (Amendment) Act, 1953."

- (iii) by inserting next after subsection (2c) of the same section the following new subsection:—

(2D) (a) Where in respect of any period of incapacity a worker is entitled to receive any payment, allowance or benefit for sick leave under any Act, award, industrial agreement or contract of employment, and the worker does not make an election pursuant to subsection (2c) of this section, the employer may, notwithstanding the provisions of such Act, award, agreement or contract, pay to the worker the difference between the amount of compensation applicable in respect of such period of incapacity and the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(b)

Workers' Compensation (Amendment).

(b) Any payment made by an employer pursuant to this subsection in respect of such period of incapacity shall not exceed the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity and shall be in addition to the amount of compensation applicable in respect of such period of incapacity.

(c) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is equivalent to the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall cease and determine.

(d) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is less than the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall be reduced by an amount which bears to such payment, allowance or benefit for sick leave the same proportion as the payment made by the employer pursuant to this subsection in respect of such period of incapacity bears to the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(iv)

Workers' Compensation (Amendment).

(iv) by inserting next after subsection (4A) of the same section the following new subsection:—

(4B) The condition known as “boiler-maker’s deafness”, and any deafness of like origin, shall for the purposes of subsection four of this section be deemed to be a disease and to be of such a nature as to be contracted by a gradual process.

Milne v. International Combustion Australia Limited. [1953] W.C.R. 80.

(c) by inserting at the end of paragraph (b) of subsection one of section eight the words “and in respect of each child under the age of sixteen years to whom the worker stood in loco parentis and who was so dependent”;

Sec. 8. (Compensation payments—Death.)

(d) by inserting next after section 10A the following new section:—

New sec. 10B.

10B. A worker who has met with an accident arising out of and in the course of his employment and whose clothing has, as a result thereof, been damaged shall be entitled to receive by way of compensation from his employer the reasonable cost of repairing or, if necessary, replacing the articles of clothing so damaged but shall not, in respect of damage resulting from any such accident, be entitled under this section to a sum exceeding twenty-five pounds, or such greater sum as may be prescribed, unless the Commission, upon application made from time to time by or on behalf of the worker, directs that the worker shall be paid a further sum to be specified in the order.

Damage to clothing.

The provisions of subsection three of section seven and sections forty and fifty-three and Part VIII of this Act shall apply, mutatis mutandis, to any damage sustained by a worker to which this section applies.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

Sec. 17B.
(Interpre-
tation.)

4. The Principal Act is further amended—

- (a) (i) by inserting in paragraph (i) of the definition of "Injury" in subsection one of section 17B after the word "operations" the words "or preparatory work";
- (ii) by inserting in paragraph (ii) of the same definition after the words "carried out" the words "or preparatory work was or is to be carried out";
- (iii) by inserting in the same definition after the words "preventive operations" where thirdly, fourthly and fifthly occurring the words "or preparatory work";
- (iv) by inserting at the end of the same subsection the following new definition:—

"Preparatory work" means—

- (a) the training or instruction of persons, by means of demonstrations, exercises, competitions or otherwise, in the fighting of bush fires, or in the carrying out of bush fire preventive operations, or
- (b) the examination, preparation, maintenance, adjustment or repair of any vehicle, equipment or thing used or intended to be used by a bush fire brigade for the fighting of bush fires or for the carrying out of bush fire preventive operations,

and the giving or receiving of such training or instruction, or the carrying

Workers' Compensation (Amendment).

carrying out or assisting to carry out such examination, preparation, maintenance, adjustment or repair, shall be deemed to be carrying out preparatory work.

(b) by inserting in subsection three of section 17C after the words "bush fire preventive operations" the words "or preparatory work";

Sec. 17C.
(Compensation payable to fire fighters for injury received.)

(c) (i) by inserting in paragraph (a) of section 17D after the words "bush fire preventive operations" the words "or preparatory work";

Sec. 17D.
(Indemnity for destruction of or damage to personal effects, vehicles, etc.)

(ii) by inserting in paragraph (b) of the same section after the words "bush fire preventive operations" the words "or preparatory work";

(iii) by inserting in the same paragraph after the words "such operations were" the words "or such work was";

(iv) by inserting in the same section after the words "deputy group captain" where secondly occurring the following word and new paragraph:—

"or

(c) any vehicle—

(i) used for the conveyance of a fire fighter between his place of abode or place of employment, or the place from which he was called, and the bush
fire,

Workers' Compensation (Amendment).

fire, and owned by or in the possession or custody of the fire fighter, or

- (ii) used for the conveyance of the captain, deputy captain, or any member of a bush fire brigade or the group captain or deputy group captain of any bush fire brigades between his place of abode or place of employment, or the place from which he was called and the place where bush fire preventive operations or preparatory work were or was being or are or is to be carried out and owned by or in the possession or custody of such captain, deputy captain, member, group captain or deputy group captain,

where such conveyance was made exclusively and bona fide for the purpose of fighting the bush fire, or of carrying out the bush fire preventive operations or preparatory work, as the case may be;”.

5. (1) The Principal Act is further amended—

- (a) by inserting at the end of subsection ten of section 30A the words “The chairman shall be entitled to receive such remuneration by way of fees, travelling allowances or otherwise as may be prescribed by regulations made under this Act and until the regulations so prescribe remuneration at the rate of two hundred and fifty pounds per annum”;

(b)

Further
amendment
of Act No.
15, 1926.

Sec. 30A.
(Insurance
Premiums
Committee.)

Workers' Compensation (Amendment).

- (b) by inserting next after section 53A the following new section:— New sec.
53B.

53B. Where a worker after receiving an injury makes any statement in writing in relation to that injury to his employer or to an insurer or to any person acting on behalf of such employer or insurer, such statement shall not be admitted in evidence or used in any proceedings before the Commission unless the employer or insurer has at least fourteen days before the hearing furnished to the worker or to the solicitor or agent acting on behalf of the worker in the proceedings a copy in writing of such statement. Statements
by injured
workers.

- (c) by inserting next after section sixty-two the following new section:— New sec.
62A.

62A. Every award or order of the Commission for the payment of compensation shall carry interest at the rate of five per centum per annum from the time when the award or order is entered up or made, or from the time when the money is payable pursuant thereto (whichever of such times is the later) until the money is paid, and such interest shall be deemed to be compensation payable pursuant to the award or order. Interest on
awards and
orders.

(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-four.

6. Any policy of insurance against liability under the Workers' Compensation Act, 1926, or any amendment of that Act, being maintained in force at the commencement of this Act shall be deemed to insure the employer and always to have insured the employer against any additional liability to which he may become liable during the currency of the policy under any amendment of the Workers' Compensation Act, 1926, as amended by subsequent Acts, made by this Act. Where a person is in receipt of compensation at the commencement of this Act Subsisting
Policies.
Act No. 20,
1951, s. 6.

Act

Workers' Compensation (Amendment).

Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

Citation. **7.** (1) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1957.

Amendment of Act No. 36, 1920. (2) The Workmen's Compensation (Broken Hill) Act, 1920-1953, is amended—

Schedule par. 3. (a) by omitting from paragraph three of Part II of the Schedule the words "basic wage for adult males assessed on the index number for Broken Hill contained in the Retail Price Index Numbers published by or by the direction of the Commonwealth Court of Conciliation and Arbitration for the next preceding calendar quarter" and by inserting in lieu thereof the words "basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of paragraph (a) of subsection three of section 61k of the Industrial Arbitration Act, 1940-1956";

Schedule par. 6. (b) (i) by omitting from subparagraph (e) of paragraph six of Part II of the Schedule the words "basic wage for adult males assessed on the index number for Broken Hill contained in the Retail Price Index Numbers published by or by the direction of the Commonwealth Court of Conciliation and Arbitration for the next preceding calendar quarter" and by inserting in lieu thereof the words "basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of paragraph (a) of subsection three of section 61k of the Industrial Arbitration Act, 1940-1956";

(ii)

Workers' Compensation (Amendment).

(ii) by omitting from the same paragraph the words "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)";

(e) by omitting subparagraph (b) of paragraph 6A ^{Schedule} of Part II of the Schedule and by inserting in ^{par. 6A.} lieu thereof the following subparagraph:—

(b) The additional amounts of compensation shall, subject to any deductions required to be made by subparagraph (c) of this paragraph, be as follows:—

			Per week.		
			£	s.	d.
(i)	Single man	or			
	widower		5	10	0
(ii)	Married man ..		5	10	0
	Additional payment				
	in respect of				
	wife		1	10	0
(iii)	Each widow until				
	remarriage		3	2	6

(3) The amendments made by paragraphs (b) and (c) of subsection two of this section shall be deemed to extend to, and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as well as to all persons becoming entitled to compensation thereunder after such commencement.

Workers' Compensation (Amendment).

(4) (a) Notwithstanding anything contained in this section, any additional amount of compensation which is payable by virtue of the operation of this section in respect of any mine worker who was on or before the first day of May, one thousand nine hundred and nineteen, last employed by Amalgamated Zinc (De Bavay's) Limited shall be paid by the joint committee out of the amount paid to the joint committee under paragraph twenty-two of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920-1953, by Amalgamated Zinc (De Bavay's) Limited.

(b) Any additional amount of compensation payable under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as amended by this section, in respect of any such mine worker, shall, when the amount paid to the joint committee as referred to in paragraph (a) of this subsection is exhausted, be paid out of the fund established under Part III of the Schedule to the said Act.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1957.

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 April, 1957, A.M.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 22, 1957.

An Act to provide for certain increases in amounts payable by way of compensation under the Workers' Compensation Act, 1926, the Workers' Compensation (Silicosis) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts; for this and other purposes to amend the said Acts; and for purposes connected therewith. [Assented to, 29th April, 1957.]

BE

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

(71)
G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Workers' Compensation (Amendment).

BE it enacted by the Queen'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
and citation.

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1957".

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts, 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, 1926-1957.

Amendment
of Act No.
15, 1926.

2. (1) The Principal Act is amended—

Sec. 8.
(Compensa-
tion pay-
ments—
Death.)

(a) (i) by omitting from paragraph (a) of subsection one of section eight the words "two thousand five hundred pounds" and by inserting in lieu thereof the words "two thousand seven hundred and fifty pounds";

(ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

Sec. 9.
(Total or
partial
incapacity.)

(b) (i) by omitting from paragraph (a) of subsection one of section nine the words "eight pounds sixteen shillings" and by inserting in lieu thereof the words "nine pounds fifteen shillings";

(ii) by omitting from the same paragraph the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";

(iii) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "two pounds ten shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings";
- (vi) by omitting from subparagraph (ii) of the same paragraph the words "one pound" and by inserting in lieu thereof the words "one pound two shillings and sixpence";
- (vii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1953" and by inserting in lieu thereof the figures "1957";
- (viii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";
- (ix) by omitting from the same paragraph the words "the basic wage" where secondly occurring and by inserting in lieu thereof the words "the State basic wage";
- (x) by inserting in paragraph (c) of the same subsection after the words "this Act" in the definition of "basic wage" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- (xi) by inserting at the end of the same paragraph the following new definition:—
 - "State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and
in

Workers' Compensation (Amendment).

in accordance with paragraph (a)
or (b) of subsection two of section
61K of the Industrial Arbitration
Act, 1940-1956.

(xii) by omitting from subsection two of the same section the words "twelve pounds sixteen shillings" and by inserting in lieu thereof the words "fourteen pounds five shillings";

(xiii) by omitting from subsection four of the same section the words "five pounds five shillings" and by inserting in lieu thereof the words "six pounds";

(xiv) by omitting from the same subsection the words "four pounds five shillings" and by inserting in lieu thereof the words "four pounds ten shillings";

(xv) by omitting from subsection five of the same section the words "seven pounds thirteen shillings" and by inserting in lieu thereof the words "eight pounds ten shillings";

(xvi) by omitting from the same subsection the words "five pounds fifteen shillings" and by inserting in lieu thereof the words "six pounds seven shillings and sixpence";

Sec. 11
(Partial
incapacity.)

(c) (i) by omitting from paragraph (b) of subsection one of section eleven the figures "1951" and by inserting in lieu thereof the figures "1957";

(ii) by omitting from the same paragraph the words "or the basic wage" and by inserting in lieu thereof the words "the basic wage or the State basic wage";

(iii)

Workers' Compensation (Amendment).

- (iii) by omitting from the same paragraph the words "the basic wage" where secondly and thirdly occurring and by inserting in lieu thereof the words "the State basic wage";
- (iv) by omitting from paragraph (c) of the same subsection the figures "1951" and by inserting in lieu thereof the figures "1957";
- (v) by omitting from the same paragraph the words "basic wage" and by inserting in lieu thereof the words "State basic wage";
- (vi) by inserting in paragraph (d) of the same subsection in the definition of "basic wage" after the words "this Act" the words "as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1957";
- (vii) by inserting at the end of the same paragraph the following new definition:—

"State basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

- (d) by omitting subsection two of section fourteen and by inserting in lieu thereof the following subsection:—

(2) In this section "basic wage" means the basic wage for adult males or adult females, as the case may require, assessed and calculated under and in accordance with paragraph (a) or (b) of subsection two of section 61k of the Industrial Arbitration Act, 1940-1956.

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

(e)

Workers' Compensation (Amendment).

Sec. 16.
(Compensation for certain injuries.)

(e) by omitting the Table set forth at the end of section sixteen and by inserting in lieu thereof the following Table:—

TABLE.

Nature of injury.	Amount payable.		
	£	s.	d.
Loss of either arm, or of the greater part thereof	2,100	0	0
Loss of lower part of either arm, either hand, or five fingers of either hand ...	1,800	0	0
Loss of a leg or of the greater part thereof	1,950	0	0
Loss of the lower part of a leg	1,650	0	0
Loss of a foot	1,600	0	0
Loss of sight of one eye, with serious diminution of the sight of the other...	1,950	0	0
*Loss of sight of one eye	1,100	0	0
Loss of hearing	1,600	0	0
Complete deafness of one ear	725	0	0
Loss of a thumb	725	0	0
Loss of a forefinger	500	0	0
Loss of joint of a thumb	450	0	0
Loss of little finger, middle finger or ring finger	275	0	0
Loss of a toe or the joint of a finger ...	225	0	0
Loss of a joint of a toe	135	0	0
Loss of great toe	500	0	0
Loss of joint of forefinger or of joint of great toe	275	0	0

* For the partial loss of sight of one eye there shall be payable such percentage of the amount that would be payable for the total loss of the sight thereof as is equal to the percentage of the diminution of sight.

(2)

Workers' Compensation (Amendment).

(2) The amendments made by subparagraphs (i), (ii), (iii), (iv), (v), (vi), (xii), (xiii), (xiv), (xv) and (xvi) of paragraph (b) of subsection one of this section shall be deemed to extend to, and from the commencement of this Act, apply in respect of all persons in receipt of weekly payments under the provisions of section nine of the Principal Act and under the provisions of the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts, as well as to all persons becoming entitled to weekly payments under any of such provisions after such commencement.

Increased weekly payments—retroactive. Act No. 21, 1953, s. 3 (2).

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) (i) by omitting paragraph (a) of the definition of "Worker" in subsection one of section six;

Sec. 6. (Definitions.)

(ii) by inserting at the end of subsection (14c) of the same section the words "Provided that a person who takes part in a bona fide amateur contest or performance conducted or held by a charity registered under the Charitable Collections Act, 1934-1941, or which is exempted from registration by or under that Act, shall not, for the purposes of this subsection, be deemed to be engaged for fee or reward by reason only of the fact that a trophy or certificate is offered or awarded as a prize in such contest or performance";

(b) (i) by omitting subsection (1A) of section seven and by inserting in lieu thereof the following subsection:—

Sec. 7. (Liability of employers to workers for injuries.)

(1A) Where an employer has a place of employment in New South Wales or is for the time being present in New South Wales and there employs a worker, and such worker whilst outside New South Wales receives

Workers' Compensation (Amendment).

receives an injury under circumstances which had the injury been received in New South Wales would entitle him to compensation in accordance with this Act, such worker (and in the case of the death of the worker, his dependants) shall receive compensation in accordance with this Act, and the provisions of this Act shall apply, mutatis mutandis, to and in respect of such injury:

Provided that—

- (a) compensation shall not be payable pursuant to this subsection if in respect of such injury the worker has (and in the case of the death of the worker, his dependants have) received workers' compensation under the laws of any country, any part of the Commonwealth of Australia (other than New South Wales), the Commonwealth of Australia or any territory under the authority of the Commonwealth of Australia or obtained judgment against his employer independently of this Act;
- (b) if the worker receives compensation pursuant to this subsection in respect of such injury and subsequently in respect of such injury receives workers' compensation under the laws of any country, any part of the Commonwealth of Australia (other than New South Wales), the Commonwealth of Australia or any territory under the authority of the Commonwealth of Australia or obtains judgment against his employer independently
of

Workers' Compensation (Amendment).

of this Act, such employer shall be entitled to recover from such worker the amount of compensation paid by him pursuant to this subsection.

- (ii) by inserting at the end of subsection (2B) of the same section the words "The provisions of this subsection shall be deemed to extend to and, from the commencement of the Workers' Compensation (Amendment) Act, 1957, apply to all workers in receipt of weekly payments under the provisions of section nine of this Act in respect of injuries received before the commencement of the Workers' Compensation (Amendment) Act, 1953, as well as to all persons entitled to weekly payments under the said provisions in respect of injuries received after the commencement of the Workers' Compensation (Amendment) Act, 1953."
- (iii) by inserting next after subsection (2c) of the same section the following new subsection:—

(2D) (a) Where in respect of any period of incapacity a worker is entitled to receive any payment, allowance or benefit for sick leave under any Act, award, industrial agreement or contract of employment, and the worker does not make an election pursuant to subsection (2c) of this section, the employer may, notwithstanding the provisions of such Act, award, agreement or contract, pay to the worker the difference between the amount of compensation applicable in respect of such period of incapacity and the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(b)

Workers' Compensation (Amendment).

(b) Any payment made by an employer pursuant to this subsection in respect of such period of incapacity shall not exceed the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity and shall be in addition to the amount of compensation applicable in respect of such period of incapacity.

(c) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is equivalent to the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall cease and determine.

(d) Where the payment made by an employer pursuant to this subsection in respect of such period of incapacity is less than the payment, allowance or benefit for sick leave which the worker is entitled to receive as aforesaid in respect of such period of incapacity the worker's entitlement to such payment, allowance or benefit for sick leave shall be reduced by an amount which bears to such payment, allowance or benefit for sick leave the same proportion as the payment made by the employer pursuant to this subsection in respect of such period of incapacity bears to the ordinary remuneration which the worker, had he not been incapacitated, would have been entitled to receive or would normally have received in respect of such period of incapacity.

(iv)

Workers' Compensation (Amendment).

(iv) by inserting next after subsection (4A) of the same section the following new subsection:—

(4B) The condition known as “boiler-maker’s deafness”, and any deafness of like origin, shall for the purposes of subsection four of this section be deemed to be a disease and to be of such a nature as to be contracted by a gradual process. Milne v. International Combustion Australia Limited. [1953] W.C.R. 80.

(c) by inserting at the end of paragraph (b) of subsection one of section eight the words “and in respect of each child under the age of sixteen years to whom the worker stood in loco parentis and who was so dependent”;
Sec. 8. (Compensation payments—Death.)

(d) by inserting next after section 10A the following new section:— New sec. 10B.

10B. A worker who has met with an accident arising out of and in the course of his employment and whose clothing has, as a result thereof, been damaged shall be entitled to receive by way of compensation from his employer the reasonable cost of repairing or, if necessary, replacing the articles of clothing so damaged but shall not, in respect of damage resulting from any such accident, be entitled under this section to a sum exceeding twenty-five pounds, or such greater sum as may be prescribed, unless the Commission, upon application made from time to time by or on behalf of the worker, directs that the worker shall be paid a further sum to be specified in the order. Damage to clothing.

The provisions of subsection three of section seven and sections forty and fifty-three and Part VIII of this Act shall apply, mutatis mutandis, to any damage sustained by a worker to which this section applies.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

Sec. 17B.
(Interpre-
tation.)

4. The Principal Act is further amended—

- (a) (i) by inserting in paragraph (i) of the definition of "Injury" in subsection one of section 17B after the word "operations" the words "or preparatory work";
- (ii) by inserting in paragraph (ii) of the same definition after the words "carried out" the words "or preparatory work was or is to be carried out";
- (iii) by inserting in the same definition after the words "preventive operations" where thirdly, fourthly and fifthly occurring the words "or preparatory work";
- (iv) by inserting at the end of the same subsection the following new definition:—

"Preparatory work" means—

- (a) the training or instruction of persons, by means of demonstrations, exercises, competitions or otherwise, in the fighting of bush fires, or in the carrying out of bush fire preventive operations, or
- (b) the examination, preparation, maintenance, adjustment or repair of any vehicle, equipment or thing used or intended to be used by a bush fire brigade for the fighting of bush fires or for the carrying out of bush fire preventive operations,

and the giving or receiving of such training or instruction, or the carrying

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carrying out or assisting to carry out such examination, preparation, maintenance, adjustment or repair, shall be deemed to be carrying out preparatory work.

(b) by inserting in subsection three of section 17c Sec. 17c.
 after the words "bush fire preventive operations" the words "or preparatory work"; (Compensation payable to fire fighters for injury received.)

(c) (i) by inserting in paragraph (a) of section 17d Sec. 17d.
 after the words "bush fire preventive operations" the words "or preparatory work"; (Indemnity for destruction of or damage to personal effects, vehicles, etc.)

(ii) by inserting in paragraph (b) of the same section after the words "bush fire preventive operations" the words "or preparatory work";

(iii) by inserting in the same paragraph after the words "such operations were" the words "or such work was";

(iv) by inserting in the same section after the words "deputy group captain" where secondly occurring the following word and new paragraph:—

"or

(c) any vehicle—

(i) used for the conveyance of a fire fighter between his place of abode or place of employment, or the place from which he was called, and the bush fire,

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fire, and owned by or in the possession or custody of the fire fighter, or

- (ii) used for the conveyance of the captain, deputy captain, or any member of a bush fire brigade or the group captain or deputy group captain of any bush fire brigades between his place of abode or place of employment, or the place from which he was called and the place where bush fire preventive operations or preparatory work were or was being or are or is to be carried out and owned by or in the possession or custody of such captain, deputy captain, member, group captain or deputy group captain,

where such conveyance was made exclusively and bona fide for the purpose of fighting the bush fire, or of carrying out the bush fire preventive operations or preparatory work, as the case may be;”.

Further
amendment
of Act No.
15, 1926.

Sec. 30A.
(Insurance
Premiums
Committee.)

5. (1) The Principal Act is further amended—

- (a) by inserting at the end of subsection ten of section 30A the words “The chairman shall be entitled to receive such remuneration by way of fees, travelling allowances or otherwise as may be prescribed by regulations made under this Act and until the regulations so prescribe remuneration at the rate of two hundred and fifty pounds per annum”;

(b).

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- (b) by inserting next after section 53A the following new section:— New sec. 53B.

53B. Where a worker after receiving an injury makes any statement in writing in relation to that injury to his employer or to an insurer or to any person acting on behalf of such employer or insurer, such statement shall not be admitted in evidence or used in any proceedings before the Commission unless the employer or insurer has at least fourteen days before the hearing furnished to the worker or to the solicitor or agent acting on behalf of the worker in the proceedings a copy in writing of such statement. Statements by injured workers.

- (c) by inserting next after section sixty-two the following new section:— New sec. 62A.

62A. Every award or order of the Commission for the payment of compensation shall carry interest at the rate of five per centum per annum from the time when the award or order is entered up or made, or from the time when the money is payable pursuant thereto (whichever of such times is the later) until the money is paid, and such interest shall be deemed to be compensation payable pursuant to the award or order. Interest on awards and orders.

(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-four.

6. Any policy of insurance against liability under the Workers' Compensation Act, 1926, or any amendment of that Act, being maintained in force at the commencement of this Act shall be deemed to insure the employer and always to have insured the employer against any additional liability to which he may become liable during the currency of the policy under any amendment of the Workers' Compensation Act, 1926, as amended by subsequent Acts, made by this Act. Where a person is in receipt of compensation at the commencement of this Act Subsisting policies. Act No. 20, 1951, s. 6.

(ii)

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Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

Citation.

7. (1) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1957.

Amendment
of Act
No. 36, 1920.

(2) The Workmen's Compensation (Broken Hill) Act, 1920-1953, is amended—

Schedule
par. 3.

(a) by omitting from paragraph three of Part II of the Schedule the words "basic wage for adult males assessed on the index number for Broken Hill contained in the Retail Price Index Numbers published by or by the direction of the Commonwealth Court of Conciliation and Arbitration for the next preceding calendar quarter" and by inserting in lieu thereof the words "basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of paragraph (a) of subsection three of section 61k of the Industrial Arbitration Act, 1940-1956";

Schedule
par. 6.

(b) (i) by omitting from subparagraph (e) of paragraph six of Part II of the Schedule the words "basic wage for adult males assessed on the index number for Broken Hill contained in the Retail Price Index Numbers published by or by the direction of the Commonwealth Court of Conciliation and Arbitration for the next preceding calendar quarter" and by inserting in lieu thereof the words "basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of paragraph (a) of subsection three of section 61k of the Industrial Arbitration Act, 1940-1956";

(ii).

Workers' Compensation (Amendment).

- (ii) by omitting from the same paragraph the words "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)";
- (c) by omitting subparagraph (b) of paragraph 6A ^{Schedule} of Part II of the Schedule and by inserting in ^{par. 6A.} lieu thereof the following subparagraph:—
- (b) The additional amounts of compensation shall, subject to any deductions required to be made by subparagraph (c) of this paragraph, be as follows:—

			Per week.		
			£	s.	d.
(i)	Single man or widower	or	5	10	0
(ii)	Married man ..	..	5	10	0
	Additional payment in respect of wife .. ..	.. ..	1	10	0
(iii)	Each widow until remarriage ..	..	3	2	6

(3) The amendments made by paragraphs (b) and (c) of subsection two of this section shall be deemed to extend to, and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as well as to all persons becoming entitled to compensation thereunder after such commencement.

(4)

Workers' Compensation (Amendment).

(4) (a) Notwithstanding anything contained in this section, any additional amount of compensation which is payable by virtue of the operation of this section in respect of any mine worker who was on or before the first day of May, one thousand nine hundred and nineteen, last employed by Amalgamated Zinc (De Bavay's) Limited shall be paid by the joint committee out of the amount paid to the joint committee under paragraph twenty-two of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920-1953, by Amalgamated Zinc (De Bavay's) Limited.

(b) Any additional amount of compensation payable under the Workmen's Compensation (Broken Hill) Act, 1920-1953, as amended by this section, in respect of any such mine worker, shall, when the amount paid to the joint committee as referred to in paragraph (a) of this subsection is exhausted, be paid out of the fund established under Part III of the Schedule to the said Act.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 29th April, 1957.*