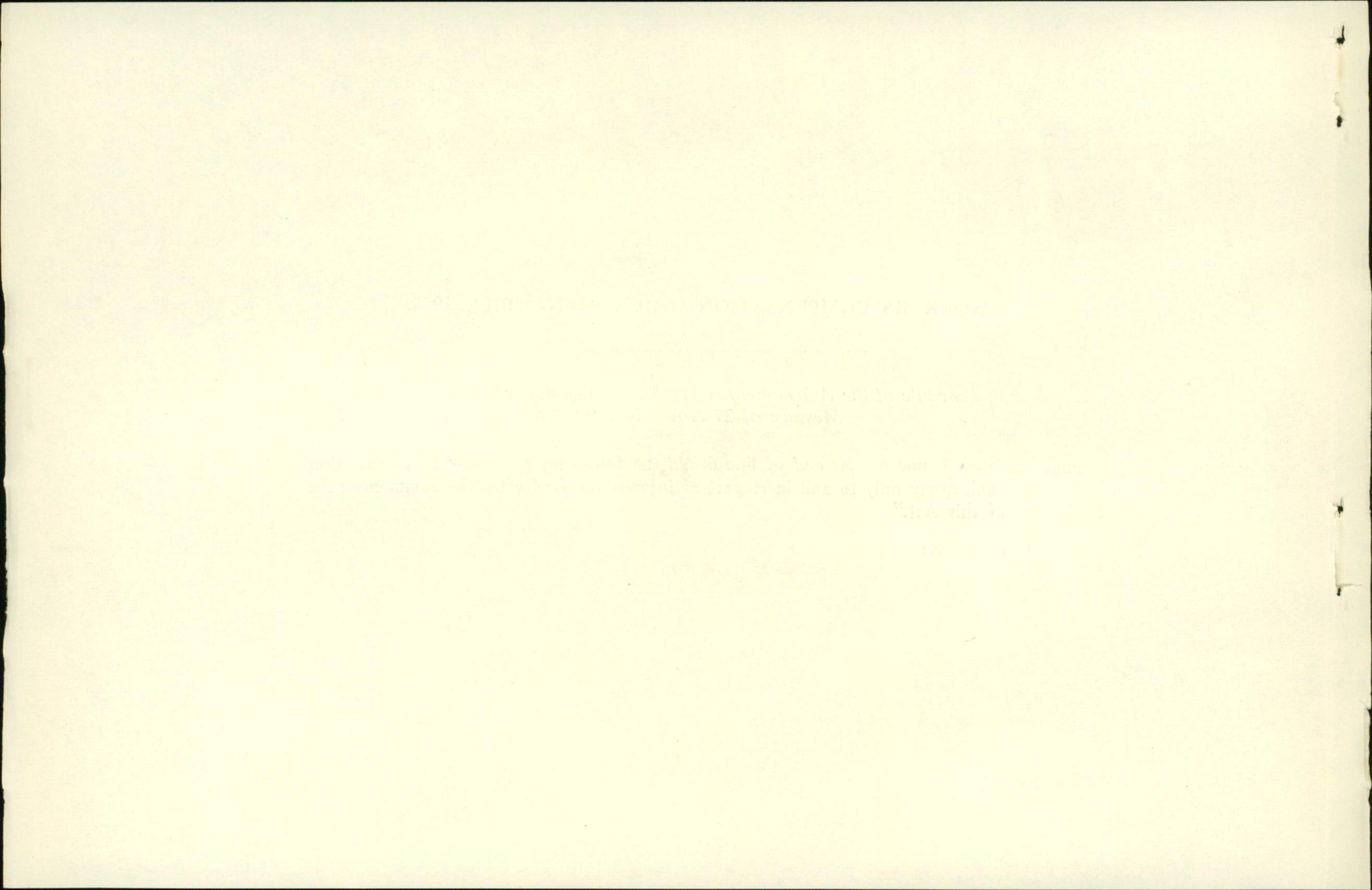


WORKERS' COMPENSATION (AMENDMENT) BILL, 1958.

*Schedule of the Amendment referred to in Legislative Council's
Message of 27 November, 1958.*

Page 7, clause 3, line 6. *At end of line 6 add the following words:—***“This subsection shall apply only to and in respect of injuries received after the commencement of this Act.”**



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, 6 November, 1958.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 27 November, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1958.

An Act to increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title
and
citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

2. The Workers' Compensation Act, 1926-1957, is amended— Amendment of Act No. 15, 1926.

(a) (i) by inserting at the end of subsection one of section seven the following new paragraph :— Sec. 7. (Liability of employers to workers for injuries.)

10 (f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey.

15 For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

20 (ii) by inserting next after subsection (4B) of the same section the following new subsection :—

25 (4c) Total or partial loss of sight which is of gradual onset 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.

30 (b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :— Sec. 8. (Compensation payments—Death.)

- (a) the sum of four thousand pounds; and
- (b)

Workers' Compensation (Amendment).

5 (b) in addition thereto, a weekly payment
of two pounds per week in respect of
each child and stepchild of the worker
under the age of sixteen years who was
wholly or in part dependent on the
earnings of the worker and in respect
10 of each child under the age of sixteen
years to whom the worker stood in
loco parentis and who was so depen-
dent, such payments to continue in
respect of each such child, stepchild or
child to whom the worker stood in loco
parentis until he dies or attains the age
15 of sixteen years, whichever event first
occurs.

20 The amount of any weekly payments made
under this Act, and any lump sum paid in
redemption thereof or any lump sum paid as
compensation under this Act, shall not be
deducted from the amounts referred to in
paragraphs (a) and (b) of this subsection.

(ii) by inserting next after the same subsection the
following new subsection :—

25 (1A) Any compensation payable under
paragraph (b) of subsection one of this
section shall :—

30 (a) where the worker left a widow or
widower be paid to such widow or
widower unless the Commission
otherwise orders;

35 (b) where the worker leaves no widow or
widower as aforesaid or where the
worker leaves a widow or widower as
aforesaid and such widow or widower
dies or where the Commission other-
wise orders under paragraph (a) of
this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

5 Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

10 (c) by inserting next after subsection four of section nine the following new subsection :— Sec. 9.
(Total or partial incapacity.)

15 (4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

 (a) attained that age before such commencement shall as from such commencement;

20 (b) attains that age after such commencement shall as from his attaining that age,

 be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

30 (d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds"; Sec. 18.
(Compulsory insurance.)
(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18C; Sec. 18C.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—
- 5 Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)
- 15 (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words ", other than the payment referred to in paragraph (b) of subsection one of section eight of this Act,"; Sec. 57.
(Payment into Commission on death.)
- 30 (ii) by inserting at the end of subsection two of the same section the following proviso :—
- 35 Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

5 widow under no disability is the only person
entitled thereto or a widow and dependants
referred to in paragraph (b) of subsection one
of section eight of this Act are the only persons
entitled thereto the compensation shall be paid
out to such widow in a lump sum unless where
there are any such dependants the Commission
is of the opinion that such widow will not
undertake or is not a fit and proper person to
10 undertake the care, maintenance and upbringing
of those dependants.

(h) (i) by omitting from subsection two of section Sec. 60.
sixty the words "or within six months after"; (Review.)

15 (ii) by omitting from the same subsection the words
"within six months after" where secondly occur-
ring and by inserting in lieu thereof the word
"before".

3. (1) Any policy of insurance against liability under the
Workers' Compensation Act, 1926, or any amendment of that
20 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,
25 1926, as amended by subsequent Acts, made by this Act.
Where a person is in receipt of compensation at the commence-
ment of this Act and such compensation is payable by an
insurer such insurer shall be liable to pay any additional com-
pensation to which such person becomes entitled by virtue
30 of any amendment made by this Act.

Subsisting
policies.
Act No. 20,
1951, s. 6.

(2) Any policy of insurance or indemnity 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 where such policy does not
35 insure the employer against his liability independently of the
Workers'

cf. Act No.
21, 1953,
s. 6 (2).

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty
5 thousand pounds in respect of any injury to any worker employed by him. **This subsection shall apply only to and in respect of injuries received after the commencement of this Act.**

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, 6 November, 1958.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, , 1958.

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1958.

An Act to increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title
and
citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

2. The Workers' Compensation Act, 1926-1957, is Amendment of Act No. 15, 1926.
5 amended—

(a) (i) by inserting at the end of subsection one of Sec. 7.
section seven the following new paragraph :— (Liability of employers to workers for injuries.)

10 (f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his
15 journey.

For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a
20 meaning appropriate to the circumstances of his employment.

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

25 (4C) Total or partial loss of sight which is of gradual onset 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.

30 (b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :— Sec. 8. (Compensation payments—Death.)

(a) the sum of four thousand pounds; and

(b)

Workers' Compensation (Amendment).

5 (b) in addition thereto, a weekly payment
of two pounds per week in respect of
each child and stepchild of the worker
under the age of sixteen years who was
wholly or in part dependent on the
10 earnings of the worker and in respect
of each child under the age of sixteen
years to whom the worker stood in
loco parentis and who was so depen-
dent, such payments to continue in
15 respect of each such child, stepchild or
child to whom the worker stood in loco
parentis until he dies or attains the age
of sixteen years, whichever event first
occurs.

20 The amount of any weekly payments made
under this Act, and any lump sum paid in
redemption thereof or any lump sum paid as
compensation under this Act, shall not be
deducted from the amounts referred to in
paragraphs (a) and (b) of this subsection.

(ii) by inserting next after the same subsection the
following new subsection :—

25 (1A) Any compensation payable under
paragraph (b) of subsection one of this
section shall :—

30 (a) where the worker left a widow or
widower be paid to such widow or
widower unless the Commission
otherwise orders ;

35 (b) where the worker leaves no widow or
widower as aforesaid or where the
worker leaves a widow or widower as
aforesaid and such widow or widower
dies or where the Commission other-
wise orders under paragraph (a) of
this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

5 Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

10 (c) by inserting next after subsection four of section nine the following new subsection :—

Sec. 9.
(Total or partial incapacity.)

15 (4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

20 (b) attains that age after such commencement shall as from his attaining that age,

25 be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

30 (d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds";

Sec. 18.
(Compulsory insurance.)
(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18C; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—
- 5 Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- 10
- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)
- 15 (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds
- 20 such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for
- 25 examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words " , other than the payment referred to in paragraph (b) of subsection one of section eight of this Act," ; Sec. 57.
(Payment into Commission on death.)
- 30
- (ii) by inserting at the end of subsection two of the same section the following proviso :—
- 35 Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

5 widow under no disability is the only person
entitled thereto or a widow and dependants
referred to in paragraph (b) of subsection one
of section eight of this Act are the only persons
entitled thereto the compensation shall be paid
out to such widow in a lump sum unless where
there are any such dependants the Commission
is of the opinion that such widow will not
undertake or is not a fit and proper person to
undertake the care, maintenance and upbringing
10 of those dependants.

(h) (i) by omitting from subsection two of section Sec. 60.
sixty the words "or within six months after"; (Review.)

15 (ii) by omitting from the same subsection the words
"within six months after" where secondly occur-
ring and by inserting in lieu thereof the word
"before".

3. (1) Any policy of insurance against liability under the Subsisting
Workers' Compensation Act, 1926, or any amendment of that policies.
20 Act, being maintained in force at the commencement of this Act No. 20,
Act shall be deemed to insure the employer and always to 1951, s. 6.
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,
25 1926, as amended by subsequent Acts, made by this Act.
Where a person is in receipt of compensation at the commence-
ment of this Act and such compensation is payable by an
insurer such insurer shall be liable to pay any additional com-
pensation to which such person becomes entitled by virtue
30 of any amendment made by this Act.

(2) Any policy of insurance or indemnity against cf. Act No.
liability under the Workers' Compensation Act, 1926, or any 21, 1953,
amendment of that Act, being maintained in force at the s. 6 (2).
commencement of this Act, shall where such policy does not
35 insure the employer against his liability independently of the
Workers'

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty 5 thousand pounds in respect of any injury to any worker employed by him. **This subsection shall apply only to and in respect of injuries received after the commencement of this Act.**

Workers' Compensation (Amendment)

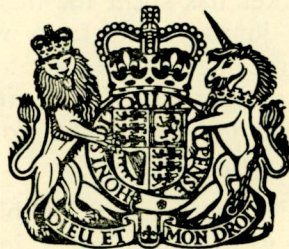
Workers' Compensation Act 1926-1928 for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty thousand pounds in respect of any injury to any worker employed by him. This subsection shall apply only to and in respect of injuries received after the commencement of this Act.

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, 6 November, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1958.

An Act to increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title
and
citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

2. The Workers' Compensation Act, 1926-1957, is Amendment of Act No. 15, 1926.
5 amended—

(a) (i) by inserting at the end of subsection one of Sec. 7.
section seven the following new paragraph :— (Liability of employers to workers for injuries.)

(f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey.

10

15

For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

20

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

(4C) Total or partial loss of sight which is of gradual onset 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.

25

(b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in Sec. 8.
lieu thereof the following paragraphs and (Compensation payments—Death.)
words :—

30

- (a) the sum of four thousand pounds; and
- (b)

Workers' Compensation (Amendment).

5 (b) in addition thereto, a weekly payment
of two pounds per week in respect of
each child and stepchild of the worker
under the age of sixteen years who was
wholly or in part dependent on the
earnings of the worker and in respect
10 of each child under the age of sixteen
years to whom the worker stood in
loco parentis and who was so depen-
dent, such payments to continue in
respect of each such child, stepchild or
child to whom the worker stood in loco
parentis until he dies or attains the age
15 of sixteen years, whichever event first
occurs.

20 The amount of any weekly payments made
under this Act, and any lump sum paid in
redemption thereof or any lump sum paid as
compensation under this Act, shall not be
deducted from the amounts referred to in
paragraphs (a) and (b) of this subsection.

(ii) by inserting next after the same subsection the
following new subsection :—

25 (1A) Any compensation payable under
paragraph (b) of subsection one of this
section shall :—

30 (a) where the worker left a widow or
widower be paid to such widow or
widower unless the Commission
otherwise orders ;

35 (b) where the worker leaves no widow or
widower as aforesaid or where the
worker leaves a widow or widower as
aforesaid and such widow or widower
dies or where the Commission other-
wise orders under paragraph (a) of
this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

5 Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

10 (c) by inserting next after subsection four of section nine the following new subsection :—

Sec. 9.
(Total or partial incapacity.)

15 (4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

20 (b) attains that age after such commencement shall as from his attaining that age,

25 be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

30 (d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds";

Sec. 18.
(Compulsory insurance.)

(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18c; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—
- 5 Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- 10
- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)
- 15 (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds
- 20 such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by
- 25 him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words ", other than the payment referred to in paragraph (b) of subsection one of section eight of this Act,"; Sec. 57.
(Payment into Commission on death.)
- 30 (ii) by inserting at the end of subsection two of the same section the following proviso :—
- 35 Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

5 widow under no disability is the only person
entitled thereto or a widow and dependants
referred to in paragraph (b) of subsection one
of section eight of this Act are the only persons
entitled thereto the compensation shall be paid
out to such widow in a lump sum unless where
there are any such dependants the Commission
is of the opinion that such widow will not
undertake or is not a fit and proper person to
10 undertake the care, maintenance and upbringing
of those dependants.

(h) (i) by omitting from subsection two of section Sec. 60.
sixty the words "or within six months after"; (Review.)

15 (ii) by omitting from the same subsection the words
"within six months after" where secondly occurring
and by inserting in lieu thereof the word
"before".

20 **3.** (1) 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,
25 1926, as amended by subsequent Acts, made by this Act.
Where a person is in receipt of compensation at the commence-
ment of this Act and such compensation is payable by an
insurer such insurer shall be liable to pay any additional com-
pensation to which such person becomes entitled by virtue
30 of any amendment made by this Act.

Subsisting
policies.
Act No. 20,
1951, s. 6.

(2) Any policy of insurance or indemnity 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 where such policy does not
35 insure the employer against his liability independently of the
Workers'

cf. Act No.
21, 1953,
s. 6 (2).

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty
5 thousand pounds in respect of any injury to any worker employed by him.

Workmen's Compensation Act

Workmen's Compensation Act, 1928-1929 for an amount of at least twenty thousand pounds for any injury to any worker employed by him, he is deemed to have the necessary authority in relation to the injury or the worker's work.

Section 10 of the Act, 1928-1929

[10]

No. 1958.

A BILL

To increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith.

[Mr. McMAHON;—4 November, 1958.]

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title and citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

2. The Workers' Compensation Act, 1926-1957, is 5 amended— Amendment of Act No. 15, 1926.

(a) (i) by inserting at the end of subsection one of section seven the following new paragraph :— Sec. 7. (Liability of employers to workers for injuries.)

10 (f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey. 15

20 For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

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

25 (4C) Total or partial loss of sight which is of gradual onset 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.

30 (b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :— Sec. 8. (Compensation payments—Death.)

(a) the sum of four thousand pounds ; and

(b)

Workers' Compensation (Amendment).

5 (b) in addition thereto, a weekly payment
of two pounds per week in respect of
each child and stepchild of the worker
under the age of sixteen years who was
wholly or in part dependent on the
10 earnings of the worker and in respect
of each child under the age of sixteen
years to whom the worker stood in
loco parentis and who was so depen-
dent, such payments to continue in
15 respect of each such child, stepchild or
child to whom the worker stood in loco
parentis until he dies or attains the age
of sixteen years, whichever event first
occurs.

20 The amount of any weekly payments made
under this Act, and any lump sum paid in
redemption thereof or any lump sum paid as
compensation under this Act, shall not be
deducted from the amounts referred to in
paragraphs (a) and (b) of this subsection.

(ii) by inserting next after the same subsection the
following new subsection :—

25 (1A) Any compensation payable under
paragraph (b) of subsection one of this
section shall :—

30 (a) where the worker left a widow or
widower be paid to such widow or
widower unless the Commission
otherwise orders;

35 (b) where the worker leaves no widow or
widower as aforesaid or where the
worker leaves a widow or widower as
aforesaid and such widow or widower
dies or where the Commission other-
wise orders under paragraph (a) of
this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

5 Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

10 (c) by inserting next after subsection four of section nine the following new subsection :—

Sec. 9.
(Total or partial incapacity.)

15 (4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

20 (b) attains that age after such commencement shall as from his attaining that age,

25 be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

30 (d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds";

Sec. 18.
(Compulsory insurance.)

(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18c; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words:—
- 5 Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- 10
- (f) by inserting at the end of section fifty-one the following new subsection:— Sec. 51.
(Medical inspection.)
- 15 (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- 20
- 25
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words ", other than the payment referred to in paragraph (b) of subsection one of section eight of this Act,"; Sec. 57.
(Payment into Commission on death.)
- 30
- (ii) by inserting at the end of subsection two of the same section the following proviso:—
- 35 Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

5 widow under no disability is the only person
entitled thereto or a widow and dependants
referred to in paragraph (b) of subsection one
of section eight of this Act are the only persons
entitled thereto the compensation shall be paid
out to such widow in a lump sum unless where
there are any such dependants the Commission
is of the opinion that such widow will not
undertake or is not a fit and proper person to
10 undertake the care, maintenance and upbringing
of those dependants.

(h) (i) by omitting from subsection two of section Sec. 60.
sixty the words "or within six months after"; (Review.)

15 (ii) by omitting from the same subsection the words
"within six months after" where secondly occur-
ring and by inserting in lieu thereof the word
"before".

3. (1) Any policy of insurance against liability under the
Workers' Compensation Act, 1926, or any amendment of that
20 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,
25 1926, as amended by subsequent Acts, made by this Act.
Where a person is in receipt of compensation at the commence-
ment of this Act and such compensation is payable by an
insurer such insurer shall be liable to pay any additional com-
pensation to which such person becomes entitled by virtue
30 of any amendment made by this Act.

(2) Any policy of insurance or indemnity 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 where such policy does not
35 insure the employer against his liability independently of the
Workers'

Subsisting
policies.
Act No. 20,
1951, s. 6.

cf. Act No.
21, 1953,
s. 6 (2).

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty
5 thousand pounds in respect of any injury to any worker employed by him.

[9d.]

Workers' Compensation (Amendment)

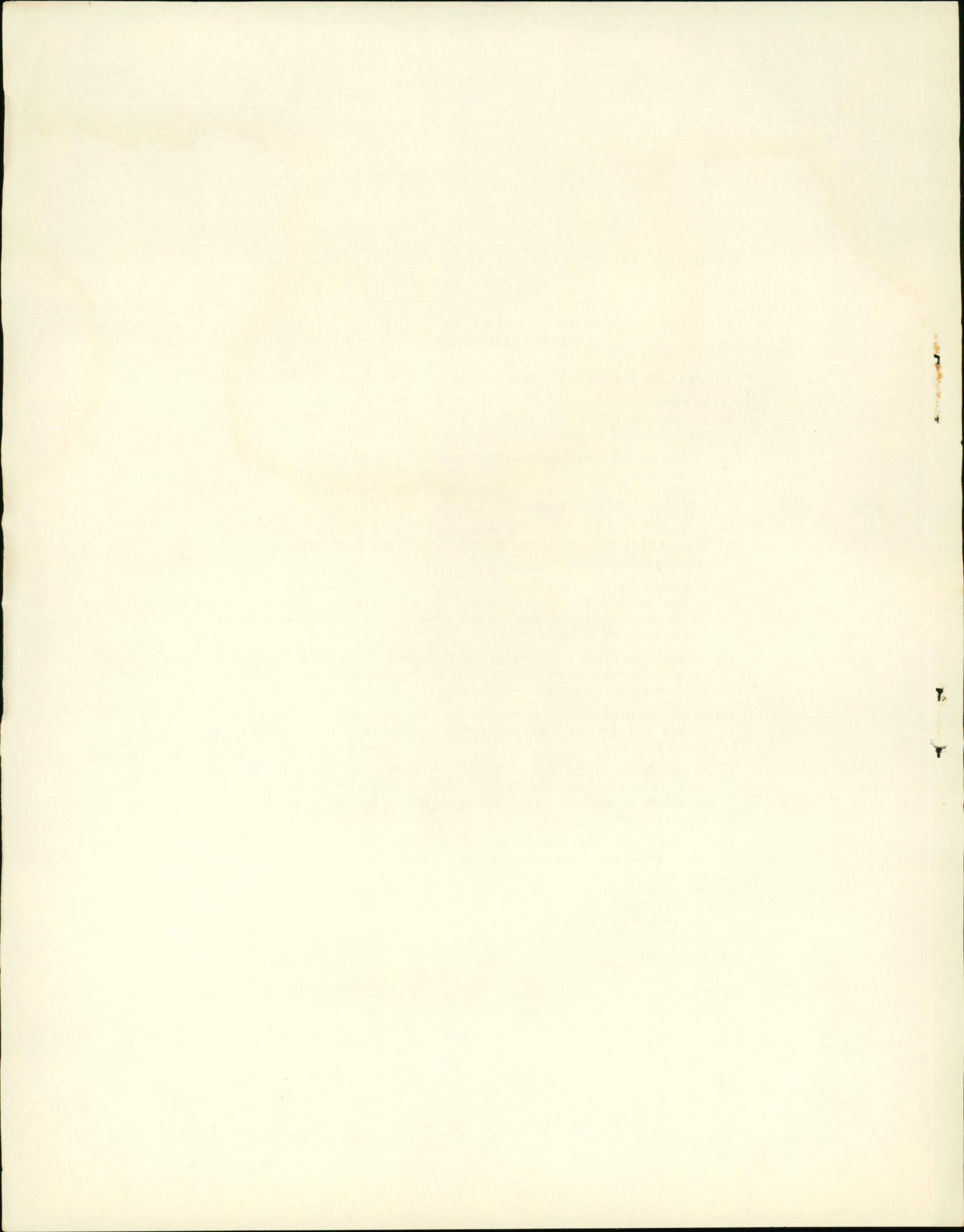
Workers' Compensation Act, 1907-1933, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to limit the employer against his liability in respect of that Act to the extent of twenty thousand pounds in respect of any injury to any worker employed by him.

WORKERS' COMPENSATION (AMENDMENT) BILL, 1958.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Workers' Compensation Act, 1926-1957—

- (1) to increase the compensation payable on the death of a worker and to make provision for the payment of weekly amounts of compensation in respect of dependent children under the age of 16 years ;
- (2) to provide that certain amounts of compensation payable on the death of a worker shall be paid out of the office of the Workers' Compensation Commission direct to the widow instead of being, as at present, held and administered by the Commission ;
- (3) to provide that total or partial loss of sight if of gradual onset shall be deemed to be a disease for the purpose of those provisions of the Act which relate to industrial diseases ;
- (4) to require the payment to a worker who when injured was under 21 years of age, on his attaining that age, of increased weekly compensation based on the wages he would probably have been earning on attaining that age had he remained uninjured ;
- (5) to require the payment to a worker who has submitted himself for examination by a medical referee or medical board of the wages he has lost and the expenses he has incurred in so submitting himself ;
- (6) to increase from £3,000 to £20,000 the amount for which an employer must be insured in respect of common law liabilities arising from an injury to a worker ;
- (7) to provide that for the purposes of the "journeying" provisions of the Act the place where the worker has spent the night preceding his journey, or where he intends to spend the night following his journey shall be deemed to be his place of abode ;
- (8) to enable a worker to claim payment from the Uninsured Liability Fund where he has obtained an award against his uninsured employer notwithstanding that steps have not been taken to enter and enforce judgment for the sum awarded ; to enable a worker to claim costs from that Fund ; and to increase from £5,000 to £10,000 the aggregate of the amounts which may in any year be paid from that Fund.



No. , 1958.

A BILL

To increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith.

[Mr. McMAHON;—4 November, 1958.]

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title
and
citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

5 **2.** The Workers' Compensation Act, 1926-1957, is amended— Amendment of Act No. 15, 1926.

(a) (i) by inserting at the end of subsection one of section seven the following new paragraph :— Sec. 7. (Liability of employers to workers for injuries.)

10 (f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey.

15
20 For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

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

25 (4C) Total or partial loss of sight which is of gradual onset 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.

30 (b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :— Sec. 8. (Compensation payments—Death.)

- (a) the sum of four thousand pounds; and
- (b)

Workers' Compensation (Amendment).

5 (b) in addition thereto, a weekly payment
of two pounds per week in respect of
each child and stepchild of the worker
under the age of sixteen years who was
wholly or in part dependent on the
earnings of the worker and in respect
10 of each child under the age of sixteen
years to whom the worker stood in
loco parentis and who was so depen-
dent, such payments to continue in
respect of each such child, stepchild or
child to whom the worker stood in loco
parentis until he dies or attains the age
15 of sixteen years, whichever event first
occurs.

The amount of any weekly payments made
under this Act, and any lump sum paid in
redemption thereof or any lump sum paid as
20 compensation under this Act, shall not be
deducted from the amounts referred to in
paragraphs (a) and (b) of this subsection.

(ii) by inserting next after the same subsection the
following new subsection :—

25 (1A) Any compensation payable under
paragraph (b) of subsection one of this
section shall :—

30 (a) where the worker left a widow or
widower be paid to such widow or
widower unless the Commission
otherwise orders;

35 (b) where the worker leaves no widow or
widower as aforesaid or where the
worker leaves a widow or widower as
aforesaid and such widow or widower
dies or where the Commission other-
wise orders under paragraph (a) of
this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

5 Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

10 (c) by inserting next after subsection four of section nine the following new subsection :—

Sec. 9.
(Total or partial incapacity.)

15 (4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

20 (b) attains that age after such commencement shall as from his attaining that age,

25 be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

30 (d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting the words "twenty thousand pounds";

Sec. 18.
(Compulsory insurance.)

(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18c; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—
- 5 Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- 10
- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)
- 15 (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- 20
- 25
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words ", other than the payment referred to in paragraph (b) of subsection one of section eight of this Act,"; Sec. 57.
(Payment into Commission on death.)
- 30
- (ii) by inserting at the end of subsection two of the same section the following proviso :—
- 35 Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

5 widow under no disability is the only person
entitled thereto or a widow and dependants
referred to in paragraph (b) of subsection one
of section eight of this Act are the only persons
entitled thereto the compensation shall be paid
out to such widow in a lump sum unless where
there are any such dependants the Commission
is of the opinion that such widow will not
undertake or is not a fit and proper person to
undertake the care, maintenance and upbringing
10 of those dependants.

(h) (i) by omitting from subsection two of section Sec. 60.
sixty the words "or within six months after"; (Review.)

15 (ii) by omitting from the same subsection the words
"within six months after" where secondly occur-
ring and by inserting in lieu thereof the word
"before".

3. (1) Any policy of insurance against liability under the
Workers' Compensation Act, 1926, or any amendment of that
20 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,
25 1926, as amended by subsequent Acts, made by this Act.
Where a person is in receipt of compensation at the commence-
ment of this Act and such compensation is payable by an
insurer such insurer shall be liable to pay any additional com-
pensation to which such person becomes entitled by virtue
30 of any amendment made by this Act.

Subsisting
policies.
Act No. 20,
1951, s. 6.

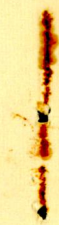
(2) Any policy of insurance or indemnity against
liability under the Workers' Compensation Act, 1926, or any
amendment of that Act, being maintained in force at the
commencement of this Act, shall where such policy does not
35 insure the employer against his liability independently of the
Workers'

cf. Act No.
21, 1953,
s. 6 (2).

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty 5 thousand pounds in respect of any injury to any worker employed by him.

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New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1958.

An Act to increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith. [Assented to, 9th December, 1958.]

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 :—

- 1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title and citation.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

Amendment
of Act No.
15, 1926.

2. The Workers' Compensation Act, 1926-1957, is amended—

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

(a) (i) by inserting at the end of subsection one of section seven the following new paragraph :—

(f) In this subsection the expression “place of abode” includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey.

For the purposes of this subsection the word “night” shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

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

(4C) Total or partial loss of sight which is of gradual onset 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.

Sec. 8.
(Compensation
payments—
Death.)

(b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :—

(a) the sum of four thousand pounds; and

(b)

Workers' Compensation (Amendment).

- (b) in addition thereto, a weekly payment of two pounds per week in respect of each child and stepchild of the worker under the age of sixteen years who was wholly or in part dependent on the earnings of the worker 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, such payments to continue in respect of each such child, stepchild or child to whom the worker stood in loco parentis until he dies or attains the age of sixteen years, whichever event first occurs.

The amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof or any lump sum paid as compensation under this Act, shall not be deducted from the amounts referred to in paragraphs (a) and (b) of this subsection.

- (ii) by inserting next after the same subsection the following new subsection :—

(1A) Any compensation payable under paragraph (b) of subsection one of this section shall :—

- (a) where the worker left a widow or widower be paid to such widow or widower unless the Commission otherwise orders ;
- (b) where the worker leaves no widow or widower as aforesaid or where the worker leaves a widow or widower as aforesaid and such widow or widower dies or where the Commission otherwise orders under paragraph (a) of this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

Sec. 9.
(Total or partial incapacity.)

(c) by inserting next after subsection four of section nine the following new subsection:—

(4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

(b) attains that age after such commencement shall as from his attaining that age,

be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

Sec. 18.
(Compulsory insurance.)

(d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds";

(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18c; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—

Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.

- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";

- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)

(12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.

- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words " , other than the payment referred to in paragraph (b) of subsection one of section eight of this Act, " ; Sec. 57.
(Payment into Commission on death.)
- (ii) by inserting at the end of subsection two of the same section the following proviso :—

Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

widow under no disability is the only person entitled thereto or a widow and dependants referred to in paragraph (b) of subsection one of section eight of this Act are the only persons entitled thereto the compensation shall be paid out to such widow in a lump sum unless where there are any such dependants the Commission is of the opinion that such widow will not undertake or is not a fit and proper person to undertake the care, maintenance and upbringing of those dependants.

Sec. 60.
(Review.)

(h) (i) by omitting from subsection two of section sixty the words "or within six months after";

(ii) by omitting from the same subsection the words "within six months after" where secondly occurring and by inserting in lieu thereof the word "before".

Subsisting
policies.
Act No. 20,
1951, s. 6.

3. (1) 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 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.

cf. Act No.
21, 1953,
s. 6 (2).

(2) Any policy of insurance or indemnity 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 where such policy does not insure the employer against his liability independently of the
Workers'

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty thousand pounds in respect of any injury to any worker employed by him. This subsection shall apply only to and in respect of injuries received after the commencement of this Act.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1958

WORKING COMPANIES ACT, 1947, AND THE COMPANIES ACT, 1956. THE FIRST PART OF THE ACT, 1947, IS THE MAIN PART OF THE ACT, AND THE SECOND PART OF THE ACT, 1956, IS THE MAIN PART OF THE ACT. THE FIRST PART OF THE ACT, 1947, IS THE MAIN PART OF THE ACT, AND THE SECOND PART OF THE ACT, 1956, IS THE MAIN PART OF THE ACT.

THE FIRST PART OF THE ACT, 1947, IS THE MAIN PART OF THE ACT, AND THE SECOND PART OF THE ACT, 1956, IS THE MAIN PART OF THE ACT.

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, 2 December, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1958.

An Act to increase the compensation payable on the death of a worker; for this and other purposes to amend the Workers' Compensation Act, 1926-1957; and for purposes connected therewith. [Assented to, 9th December, 1958.]

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 :—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1958".

Short title
and
citation.

(2)

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Workers' Compensation (Amendment).

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1958.

Amendment of Act No. 15, 1926. **2.** The Workers' Compensation Act, 1926-1957, is amended—

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

(a) (i) by inserting at the end of subsection one of section seven the following new paragraph :—

(f) In this subsection the expression "place of abode" includes the place where the worker has spent the night preceding his journey and from which he is journeying and the place to which he is journeying with the intention of there spending the night following his journey.

For the purposes of this subsection the word "night" shall, in the case of a worker employed on shift work, night work or overtime, be given a meaning appropriate to the circumstances of his employment.

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

(4C) Total or partial loss of sight which is of gradual onset 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.

Sec. 8.
(Compensation payments—Death.)

(b) (i) by omitting paragraphs (a) and (b) of subsection one of section eight and by inserting in lieu thereof the following paragraphs and words :—

(a) the sum of four thousand pounds; and

(b)

Workers' Compensation (Amendment).

- (b) in addition thereto, a weekly payment of two pounds per week in respect of each child and stepchild of the worker under the age of sixteen years who was wholly or in part dependent on the earnings of the worker 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, such payments to continue in respect of each such child, stepchild or child to whom the worker stood in loco parentis until he dies or attains the age of sixteen years, whichever event first occurs.

The amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof or any lump sum paid as compensation under this Act, shall not be deducted from the amounts referred to in paragraphs (a) and (b) of this subsection.

- (ii) by inserting next after the same subsection the following new subsection :—

(1A) Any compensation payable under paragraph (b) of subsection one of this section shall :—

- (a) where the worker left a widow or widower be paid to such widow or widower unless the Commission otherwise orders;
- (b) where the worker leaves no widow or widower as aforesaid or where the worker leaves a widow or widower as aforesaid and such widow or widower dies or where the Commission otherwise orders under paragraph (a) of this

Workers' Compensation (Amendment).

this subsection be paid to such person or institution as the Commission may direct.

Where the Commission makes an order pursuant to this subsection such compensation shall be paid in accordance with the terms of such order.

(iii) by omitting from subsection two of the same section the words "paragraph (a) of";

Sec. 9.
(Total or
partial
incapacity.)

(c) by inserting next after subsection four of section nine the following new subsection:—

(4A) The compensation payable pursuant to this section to a worker who before the commencement of the Workers' Compensation (Amendment) Act, 1958, received or after such commencement receives an injury and who at the date of the injury was under twenty-one years of age and who—

(a) attained that age before such commencement shall as from such commencement;

(b) attains that age after such commencement shall as from his attaining that age,

be increased, where such worker's average weekly earnings referred to in paragraph (a) of subsection one of this section are less than the weekly sum which he would probably have been earning on his attaining that age if he had remained uninjured, to such an amount as would have been so payable if such average weekly earnings had been equivalent to such weekly sum.

Sec. 18.
(Com-
pulsory
insurance.)

(d) by omitting from subsection one of section eighteen the words "three thousand pounds" and by inserting in lieu thereof the words "twenty thousand pounds";

(e)

Workers' Compensation (Amendment).

- (e) (i) by omitting paragraph (b) of subsection two of section 18C; Sec. 18c.
(Uninsured liability scheme.)
- (ii) by inserting at the end of the same subsection the following words :—
Such claim may be in respect of so much of the compensation awarded, and costs, as has not been paid.
- (iii) by omitting from paragraph (a) of the proviso to subsection three of the same section the words "five thousand pounds" and by inserting in lieu thereof the words "ten thousand pounds";
- (f) by inserting at the end of section fifty-one the following new subsection :— Sec. 51.
(Medical inspection.)
- (12) Where pursuant to this section a worker submits himself for examination by a medical referee or a medical board he shall, unless the matter was referred to such referee or board on the application of the worker and the Commission holds such application to have been unreasonable or unnecessary, be entitled to recover from the employer, in addition to any compensation otherwise provided, the amount of any wages lost by him by reason of his so submitting himself for examination together with the cost to him of any fares, travelling expenses and maintenance necessarily and reasonably incurred by him in so submitting himself.
- (g) (i) by inserting in subsection one of section fifty-seven after the word "death" the words ", other than the payment referred to in paragraph (b) of subsection one of section eight of this Act,"; Sec. 57.
(Payment into Commission on death.)
- (ii) by inserting at the end of subsection two of the same section the following proviso :—
Provided that where the injury was received after the commencement of the Workers' Compensation (Amendment) Act, 1958, and a widow

Workers' Compensation (Amendment).

widow under no disability is the only person entitled thereto or a widow and dependants referred to in paragraph (b) of subsection one of section eight of this Act are the only persons entitled thereto the compensation shall be paid out to such widow in a lump sum unless where there are any such dependants the Commission is of the opinion that such widow will not undertake or is not a fit and proper person to undertake the care, maintenance and upbringing of those dependants.

Sec. 60.
(Review.)

(h) (i) by omitting from subsection two of section sixty the words "or within six months after";

(ii) by omitting from the same subsection the words "within six months after" where secondly occurring and by inserting in lieu thereof the word "before".

Subsisting
policies.
Act No. 20,
1951, s. 6.

3. (1) 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 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.

cf. Act No.
21, 1953,
s. 6 (2).

(2) Any policy of insurance or indemnity 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 where such policy does not insure the employer against his liability independently of the
Workers'

Workers' Compensation (Amendment).

Workers' Compensation Act, 1926-1958, for an amount of at least twenty thousand pounds for any injury to any worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of twenty thousand pounds in respect of any injury to any worker employed by him. This subsection shall apply only to and in respect of injuries received after the commencement of this Act.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1958.*

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E. W. JOHNSON
GOVERNOR