

*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 April, 1960.*

## New South Wales



ANNO NONO

## ELIZABETHÆ II REGINÆ

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Act No. , 1960.

An Act to amend the definition of "injury" contained in the Workers' Compensation Act, 1926-1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

**B**E 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, 1960".

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, 1926-1960.

2. (1) The Workers' Compensation Act, 1926-1958, is 5 amended— Amendment of Act No. 15, 1926.

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

10 "Injury" means personal injury arising out of or in the course of employment, and includes—

(a) a disease which is contracted by the worker in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor ; and

15 (b) the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was a contributing factor to such aggravation, acceleration, exacerbation, or deterioration ; The Darling Island Stevedoring and Lighterage Co. Ltd. v. Hussey. 33 A.L.J.R. 311.

20 but does not, save in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, applies, include a disease caused by silica dust, or the aggravation, acceleration, exacerbation or deterioration of a disease caused by silica dust ;

25 (b) by omitting from subsection (4A) of section seven the words "is a disease which has been aggravated or accelerated by the worker's employment with two or more employers" and by inserting in lieu thereof the words "consists in the aggravation, acceleration, exacerbation Sec. 7. (Liability of employers to workers for injuries.)

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*Workers' Compensation (Amendment).*

exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

- 5 (c) by inserting at the end of the definition of "Injury" Sec. 17B.  
in subsection one of section 17B the words "and also (Interpre-  
includes the aggravation, acceleration, exacerbation tation.)  
or deterioration of any disease where such fighting  
10 or the carrying out of such preventive operations  
or preparatory work or such journeying was a  
contributing factor".

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

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

20 (c) The amendment made by paragraph (c) of subsection one of this section shall be deemed to have commenced on the thirteenth day of December, one thousand nine hundred and forty-four.

(3) (a) The Workers' Compensation (Amendment) Amendment  
25 Act, 1929, is amended by omitting subparagraph (i) of of Act  
paragraph (a) of subsection one of section two. No. 36,  
1929; s. 2 (1)  
(a) (i).  
(Repeal—  
Consequen-  
tial.)

(b) The Workers' Compensation Act and Work- Amendment  
men's Compensation (Broken Hill) Act (Amendment) Act, of Act  
1942, is amended by omitting subparagraph (ii) of paragraph No. 13,  
s. 2 (a) (ii).  
30 (a) of section two. (Repeal—  
Consequen-  
tial.)

(4)

*Workers' Compensation (Amendment).*

(4) Nothing in this Act shall affect the rights of any Savings. parties to any claim, action, suit or proceeding which has before the date on which the assent of Her Majesty to this Act is signified been determined where the time within which an appeal, including an application to Her Majesty in Council, from any such determination, might have been made has expired before such date.

Sydney: V. C. N. Blight, Government Printer—1960

[6d.]

No. , 1960.

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## A BILL

To amend the definition of "injury" contained in the Workers' Compensation Act, 1926-1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

[MR. LANDA;—30 March, 1960.]

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**B**E 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, 1960".

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, 1926-1960.

2. (1) The Workers' Compensation Act, 1926-1958, is  
5 amended—

Amendment  
of Act  
No. 15,  
1926.

(a) by omitting from subsection one of section six the  
definition of "Injury" and by inserting in lieu  
thereof the following definition :—

Sec. 6.  
(Defini-  
tions.)

10 "Injury" means personal injury arising out of or in  
the course of employment, and includes—

15 (a) a disease which is contracted by the  
worker in the course of his employ-  
ment whether at or away from his  
place of employment and to which the  
employment was a contributing factor ;  
and

20 (b) the aggravation, acceleration, exacer-  
bation or deterioration of any disease,  
where the employment was a contribu-  
ting factor to such aggravation,  
acceleration, exacerbation, or deterior-  
ation ;

The  
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25 but does not, save in the case of a worker  
employed in or about a mine to which the  
Coal Mines Regulation Act, 1912, as  
amended by subsequent Acts, applies,  
include a disease caused by silica dust, or the  
aggravation, acceleration, exacerbation or  
deterioration of a disease caused by silica  
30 dust ;

35 (b) by omitting from subsection (4A) of section seven  
the words "is a disease which has been aggravated  
or accelerated by the worker's employment with two  
or more employers" and by inserting in lieu thereof  
the words "consists in the aggravation, acceleration,  
exacerbation

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

*Workers' Compensation (Amendment).*

exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

5 (c) by inserting at the end of the definition of "Injury" Sec. 17B.  
in subsection one of section 17B the words "and also (Interpre-  
includes the aggravation, acceleration, exacerbation tation.)  
or deterioration of any disease where such fighting  
10 or the carrying out of such preventive operations  
or preparatory work or such journeying was a  
contributing factor".

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

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

20 (c) The amendment made by paragraph (c) of subsection one of this section shall be deemed to have commenced on the thirteenth day of December, one thousand nine hundred and forty-four.

(3) (a) The Workers' Compensation (Amendment) Amendment  
25 Act, 1929, is amended by omitting subparagraph (i) of of Act  
paragraph (a) of subsection one of section two. No. 36,  
1929; s. 2 (1)  
(a) (i).  
(Repeal—  
Consequen-  
tial.)

(b) The Workers' Compensation Act and Work- Amendment  
men's Compensation (Broken Hill) Act (Amendment) Act, of Act  
1942, is amended by omitting subparagraph (ii) of paragraph No. 13,  
1942,  
30 (a) of section two. s. 2 (a) (ii).  
(Repeal—  
Consequen-  
tial.)

(4)

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*Workers' Compensation (Amendment).*

---

(4) Nothing in this Act shall affect the rights of any Savings. parties to any claim, action, suit or proceeding which has before the date on which the assent of Her Majesty to this Act is signified been determined where the time within which 5 an appeal, including an application to Her Majesty in Council, from any such determination, might have been made has expired before such date.



## **WORKERS' COMPENSATION (AMENDMENT) BILL, 1960.**

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### **EXPLANATORY NOTE.**

THE object of this Bill is to extend the definition of "injury" in the Workers' Compensation Act, 1926-1958, in relation to diseases. In particular, the extended definition includes the aggravation or acceleration of a disease whether or not contracted in the course of the employment where the employment has been a contributing factor to such aggravation or acceleration.

The amendments relating to the definition of "injury" are expressed to operate retrospectively.

WORKERS' COMPENSATION (AMENDMENT) BILL, 1958

EXPLANATORY NOTE

The object of this Bill is to extend the definition of "injury" in the Workers' Compensation Act, 1948, to include injuries caused by disease, and to amend the Act in other respects. The Bill also contains provisions for the amendment of the Act in relation to the payment of compensation to dependants of a deceased worker.

The amendments relating to the definition of "injury" are contained in clause 2 of the Bill.

No. , 1960.

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## A BILL

To amend the definition of “injury” contained in the Workers’ Compensation Act, 1926–1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

[MR. LANDA;—30 March, 1960.]

---

**B**E 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, 1960”. 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, 1926-1960.

2. (1) The Workers' Compensation Act, 1926-1958, is  
5 amended— Amendment of Act No. 15, 1926.

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

10 "Injury" means personal injury arising out of or in  
the course of employment, and includes—

15 (a) a disease which is contracted by the  
worker in the course of his employ-  
ment whether at or away from his  
place of employment and to which the  
employment was a contributing factor ;  
and

20 (b) the aggravation, acceleration, exacer- The Darling Island Stevedoring and Lighterage Co. Ltd. v. Hussey. 33 A.L.J.R. 311.  
bation or deterioration of any disease,  
where the employment was a contribu-  
ting factor to such aggravation,  
acceleration, exacerbation, or deterior-  
ation ;

25 but does not, save in the case of a worker  
employed in or about a mine to which the  
Coal Mines Regulation Act, 1912, as  
amended by subsequent Acts, applies,  
include a disease caused by silica dust, or the  
aggravation, acceleration, exacerbation or  
deterioration of a disease caused by silica  
30 dust ;

35 (b) by omitting from subsection (4A) of section seven  
the words "is a disease which has been aggravated  
or accelerated by the worker's employment with two  
or more employers" and by inserting in lieu thereof Sec. 7. (Liability of employers to workers for injuries.)  
the words "consists in the aggravation, acceleration,  
exacerbation

*Workers' Compensation (Amendment).*

exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

5 (c) by inserting at the end of the definition of "Injury" in subsection one of section 17B the words "and also includes the aggravation, acceleration, exacerbation or deterioration of any disease where such fighting or the carrying out of such preventive operations or preparatory work or such journeying was a contributing factor".

Sec. 17B.  
(Interpretation.)

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

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

20 (c) The amendment made by paragraph (c) of subsection one of this section shall be deemed to have commenced on the thirteenth day of December, one thousand nine hundred and forty-four.

25 (3) (a) The Workers' Compensation (Amendment) Act, 1929, is amended by omitting subparagraph (i) of paragraph (a) of subsection one of section two.

Amendment of Act No. 36, 1929; s. 2 (1) (a) (i).  
(Repeal—Consequential.)

30 (b) The Workers' Compensation Act and Workmen's Compensation (Broken Hill) Act (Amendment) Act, 1942, is amended by omitting subparagraph (ii) of paragraph (a) of section two.

Amendment of Act No. 13, 1942, s. 2 (a) (ii).  
(Repeal—Consequential.)

(4)

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*Workers' Compensation (Amendment).*

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(4) Nothing in this Act shall affect the rights of any Savings.  
parties to any claim, action, suit or proceeding which has  
before the date on which the assent of Her Majesty to this  
Act is signified been determined where the time within which  
5 an appeal, including an application to Her Majesty in Council,  
from any such determination, might have been made has  
expired before such date.

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

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Act No. 30, 1960.

An Act to amend the definition of "injury" contained in the Workers' Compensation Act, 1926-1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1960.]

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, 1960". Short title and citation.

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*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, 1926-1960.

Amendment  
of Act  
No. 15,  
1926.

2. (1) The Workers' Compensation Act, 1926-1958, is amended—

Sec. 6.  
(Defini-  
tions.)

(a) by omitting from subsection one of section six the definition of "Injury" and by inserting in lieu thereof the following definition :—

"Injury" means personal injury arising out of or in the course of employment, and includes—

(a) a disease which is contracted by the worker in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor ;  
and

(b) the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was a contributing factor to such aggravation, acceleration, exacerbation, or deterioration ;

but does not, save in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, applies, include a disease caused by silica dust, or the aggravation, acceleration, exacerbation or deterioration of a disease caused by silica dust ;

The  
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(Liability  
of employers  
to  
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injuries.)

(b) by omitting from subsection (4A) of section seven the words "is a disease which has been aggravated or accelerated by the worker's employment with two or more employers" and by inserting in lieu thereof the words "consists in the aggravation, acceleration, exacerbation



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*Workers' Compensation (Amendment).*

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exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

- (c) by inserting at the end of the definition of "Injury" in subsection one of section 17B the words "and also includes the aggravation, acceleration, exacerbation or deterioration of any disease where such fighting or the carrying out of such preventive operations or preparatory work or such journeying was a contributing factor" Sec. 17B.  
(Interpretation.)

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

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

(c) The amendment made by paragraph (c) of subsection one of this section shall be deemed to have commenced on the thirteenth day of December, one thousand nine hundred and forty-four.

(3) (a) The Workers' Compensation (Amendment) Act, 1929, is amended by omitting subparagraph (i) of paragraph (a) of subsection one of section two. Amendment of Act No. 36, 1929; s. 2 (1) (a) (i).  
(Repeal—Consequential.)

(b) The Workers' Compensation Act and Workmen's Compensation (Broken Hill) Act (Amendment) Act, 1942, is amended by omitting subparagraph (ii) of paragraph (a) of section two. Amendment of Act No. 13, 1942, s. 2 (a) (ii).  
(Repeal—Consequential.)

(4)

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*Workers' Compensation (Amendment).*

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**Savings.**

(4) Nothing in this Act shall affect the rights of any parties to any claim, action, suit or proceeding which has before the date on which the assent of Her Majesty to this Act is signified been determined where the time within which an appeal, including an application to Her Majesty in Council, from any such determination, might have been made has expired before such date.

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By Authority:

W. C. N. BLIGHT, Government Printer, Sydney, 1960

*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, 7 April, 1960.*

## New South Wales



ANNO NONO

## ELIZABETHÆ II REGINÆ

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### Act No. 30, 1960.

An Act to amend the definition of "injury" contained in the Workers' Compensation Act, 1926-1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1960.]

**B**E 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, 1960".

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.*

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*

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*Workers' Compensation (Amendment).*

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(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1960.

Amendment of Act No. 15, 1926.      **2. (1) The Workers' Compensation Act, 1926-1958, is amended—**

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

"Injury" means personal injury arising out of or in the course of employment, and includes—

(a) a disease which is contracted by the worker in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor ; and

(b) the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was a contributing factor to such aggravation, acceleration, exacerbation, or deterioration ;

The Darling Island Stevedoring and Lighterage Co. Ltd. v. Hussey.  
33 A.L.J.R. 311.

but does not, save in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, applies, include a disease caused by silica dust, or the aggravation, acceleration, exacerbation or deterioration of a disease caused by silica dust ;

Sec. 7. (Liability of employers to workers for injuries.)      (b) by omitting from subsection (4A) of section seven the words "is a disease which has been aggravated or accelerated by the worker's employment with two or more employers" and by inserting in lieu thereof the words "consists in the aggravation, acceleration, exacerbation

*Workers' Compensation (Amendment).*

exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

- (c) by inserting at the end of the definition of "Injury" in subsection one of section 17B the words "and also includes the aggravation, acceleration, exacerbation or deterioration of any disease where such fighting or the carrying out of such preventive operations or preparatory work or such journeying was a contributing factor".

Sec. 17B.  
(Interpretation.)

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

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

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(3) (a) The Workers' Compensation (Amendment) Act, 1929, is amended by omitting subparagraph (i) of paragraph (a) of subsection one of section two.

Amendment of Act No. 36, 1929; s. 2 (1) (a) (i).  
(Repeal—Consequential.)

(b) The Workers' Compensation Act and Workmen's Compensation (Broken Hill) Act (Amendment) Act, 1942, is amended by omitting subparagraph (ii) of paragraph (a) of section two.

Amendment of Act No. 13, 1942, s. 2 (a) (ii).  
(Repeal—Consequential.)

(4)

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*Workers' Compensation (Amendment).*

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Savings.

(4) Nothing in this Act shall affect the rights of any parties to any claim, action, suit or proceeding which has before the date on which the assent of Her Majesty to this Act is signified been determined where the time within which an appeal, including an application to Her Majesty in Council, from any such determination, might have been made has expired before such date.

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

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 19th April, 1960.*