

WORKERS' COMPENSATION (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 31 March, 1966*

- No. 1.—Page 4, clause 3, line 32. *Omit* “forthwith”.
- No. 2.—Page 6, clause 5, lines 27 to 31 inclusive. *Omit* all words on these lines.
- No. 3.—Page 8, clause 5, line 12. *Omit* all words and figures on this line.

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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, 29 March, 1966.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 31 March, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; 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, 1966".

Short title
and
citation.

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

(3)

NOTE.—The words to be omitted are ruled through.

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

2. (1) The Principal Act is amended by inserting next
after subsection five of section sixteen the following new
5 subsection :—

Amendment
of Act No.
15, 1926.
Sec. 16.
(Compensa-
tion for
certain
injuries.)

(5A) (a) In this subsection—

10 “Appropriate amount” means the amount of com-
pensation that would, but for this subsection,
be payable under this section for an injury
being a total loss of sight, of hearing or of
a part of the body mentioned in the first
column of the said table, as the case may be.

15 “Loss of function” means permanent diminution or
permanent and total deprivation of sight, of
hearing, or of the full efficient use of a part of
the body referred to in the said table.

20 “Occupational disease” means the condition known
as boilermaker's deafness, or any deafness of
the like origin; total or partial loss of sight
which is of gradual onset; or any disease
which is of such a nature as to be contracted
by a gradual process.

25 (b) If a worker, after having on one or more
occasions (whether before or after the commencement
of the Workers' Compensation (Amendment) Act,
1966) received or become entitled to receive compensa-
tion for an injury (in this section called a “prior injury”)
being an occupational disease, suffers a further loss of
function in respect of the same occupational disease, he
30 shall be deemed to have received a further injury which
shall be deemed to have happened at the time when the
worker makes a claim for compensation for that further
loss of function.

35 (c) Subject to this subsection, a worker who
suffers such a further loss of function as is referred to in
paragraph (b) of this subsection shall be entitled to
receive from his employer in respect of that further
injury.

Workers' Compensation (Amendment).

injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

5 (d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of
10 which the claim is made and—

(i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior
15 injury; or

(ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after
20 the later or, as the case may be, the latest of those prior injuries.

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this
25 section other than this subsection.

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement
30 of this Act.

3. The Principal Act is further amended—

(a) by inserting at the end of section 17A the following new subsection : —

35 (2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Further amendment of Act No. 15, 1926.

Sec. 17A. (Bush fire fighters compensation.)

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- 5 (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- 10 (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely to spread to New South Wales,

as though the injury, destruction or damage had been sustained in New South Wales.

- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2C), (2D) and";
- (ii) by inserting at the end of the same subsection the following words :—

25 A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2C) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also inform the Commission thereof forthwith and, if he does not so inform the Commission, shall be deemed not to have made the election.

- 30
- 35 (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof the

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

Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "hereinafter referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";

Sec. 28.
(Information, etc.,
to be supplied by
licensees.)

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

- 15 (a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations, being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—

- 20 (i) is or are in the possession or under the control of the licensee; and

- 25 (ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;

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

(1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Workers' Compensation (Amendment).

section, or by a subsequent notice, require that person to supply to the Commission a certificate by a registered public accountant under the Public Accountants Registration Act, 1945, as amended by subsequent Acts, approved by the Commission or an actuary so approved as to the correctness of any information, particulars, accounts or documents which or copies of which has or have been, or is or are required to be, furnished pursuant to the first mentioned notice, and where the Commission has so required, the information, particulars, accounts, documents or copies shall be deemed not to have been furnished unless such a certificate in respect thereof has been so supplied. The expense of obtaining any such certificate shall be borne by the person required to supply it.

(b) by inserting next after paragraph (h) of subsection one of section twenty-nine the following new paragraph :—

(h1) that the licensee has in any one or more financial years incurred underwriting or other losses that in the opinion of the Commission are excessive.

5. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

~~(a)~~ by omitting from paragraph ~~(g)~~ of section ~~thirty eight~~ the words “has been made fraudulently” and by inserting in lieu thereof the words “is frivolous or vexatious or has been made without proper justification”;

~~(a)(b)~~ by omitting from subsection one of section forty-four the words “, shall where the injury results in death or incapacity for work for a period of three days,” and by inserting in lieu thereof the word “shall”; (b)

Workers' Compensation (Amendment).

(b)(e) by omitting section 49A and by inserting in lieu thereof the following section :—

5 49A. (1) The Commission may on application by a worker and if satisfied as to the matters sought to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

10 (a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or

15 (b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or

20 (c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

30 On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

35 (2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- 5 (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.

- 10 ~~(c)(d)~~ by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";

Sec. 58.
(Payment into Commission.)

- ~~(e)~~ by omitting section 64A;

Sec. 64A.
(In actions for damages no reference to be made to compensation.)

- ~~(d)(f)~~ by inserting at the end of section sixty-eight the following new subsections :—

Sec. 68.
(Recovery of penalties.)

- 15 (2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its members.

cf. 1940, No. 2, s. 93A.

20 Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.

- 25 (3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or the regulations for such offence accordingly, unless

1962, No. 43, s. 147 (3).

he

Workers' Compensation (Amendment).

he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

5 (e)(g) (i) by inserting in subsection two of section Sec. 71. seventy-one after the word "make" the words (Transfer of funds.) "or are deemed by this subsection to make";

(ii) by inserting at the end of the same subsection the following new paragraph :—

10 (b) The Governor may make regulations under this Act prescribing any country as a country whose laws make the reciprocal provisions referred to in paragraph (a) of this subsection, and for the purposes of this subsection the laws of each country for the time
15 being so prescribed shall be deemed to make such provisions.

6. Any policy of insurance against liability under the Substituting
Workers' Compensation Act, 1926, or any amendment of policies.
that Act, being maintained in force at the commencement of
20 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 made by this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

with the fact that the Commission is not a permanent body and that its members are appointed for a limited period of time.

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BY SECRETARY
OFFICE OF THE SECRETARY OF THE COMMISSION
[100]

WORKERS' COMPENSATION (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of March, 1966*

No. 1.—Page 4, clause 3, line 32. *Omit* “forthwith”.

No. 2.—Page 6, clause 5, lines 27 to 31 inclusive. *Omit* all words on these lines.

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ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 March, 1966.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, March, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; 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, 1966".

Short title
and
citation.

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

(3)

NOTE.—The words to be omitted are ruled through.

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

2. (1) The Principal Act is amended by inserting next
after subsection five of section sixteen the following new
5 subsection :—

Amendment
of Act No.
15, 1926.
Sec. 16.
(Compensa-
tion for
certain
injuries.)

(5A) (a) In this subsection—

10 “Appropriate amount” means the amount of com-
pensation that would, but for this subsection,
be payable under this section for an injury
being a total loss of sight, of hearing or of
a part of the body mentioned in the first
column of the said table, as the case may be.

15 “Loss of function” means permanent diminution or
permanent and total deprivation of sight, of
hearing, or of the full efficient use of a part of
the body referred to in the said table.

20 “Occupational disease” means the condition known
as boilermaker's deafness, or any deafness of
the like origin; total or partial loss of sight
which is of gradual onset; or any disease
which is of such a nature as to be contracted
by a gradual process.

25 (b) If a worker, after having on one or more
occasions (whether before or after the commencement
of the Workers' Compensation (Amendment) Act,
1966) received or become entitled to receive compensa-
tion for an injury (in this section called a “prior injury”)
being an occupational disease, suffers a further loss of
function in respect of the same occupational disease, he
30 shall be deemed to have received a further injury which
shall be deemed to have happened at the time when the
worker makes a claim for compensation for that further
loss of function.

35 (c) Subject to this subsection, a worker who
suffers such a further loss of function as is referred to in
paragraph (b) of this subsection shall be entitled to
receive from his employer in respect of that further
injury.

Workers' Compensation (Amendment).

injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

5 (d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of
10 which the claim is made and—

(i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior injury; or
15

(ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after the later or, as the case may be, the latest of those prior injuries.
20

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this section other than this subsection.
25

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement
30 of this Act.

3. The Principal Act is further amended—

(a) by inserting at the end of section 17A the following new subsection :—

35 (2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Further amendment of Act No. 15, 1926.

Sec. 17A.
(Bush fire fighters compensation.)

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- 5 (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- 10 (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely
- 15 to spread to New South Wales,
- as though the injury, destruction or damage had been sustained in New South Wales.
- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2C), (2D) and";
- 20 (ii) by inserting at the end of the same subsection the following words :—
- Sec. 17C.
(Compensation payable to fire fighters for injury received.)
- 25 A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2C) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also
- 30 inform the Commission thereof forthwith and, if he does not so inform the Commission, shall be deemed not to have made the election.
- 35 (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof
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Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "hereinafter referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";
- 10 (ii) by inserting next after the same paragraph the following new paragraph :—
- 15 (a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations, being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—
- 20 (i) is or are in the possession or under the control of the licensee; and
- 25 (ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;
- 30 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Sec. 28.
(Information, etc.,
to be supplied by
licensees.)

Workers' Compensation (Amendment).

section, or by a subsequent notice, require that person to supply to the Commission a certificate by a registered public accountant under the Public Accountants Registration Act, 1945, as amended by subsequent Acts, approved by the Commission or an actuary so approved as to the correctness of any information, particulars, accounts or documents which or copies of which has or have been, or is or are required to be, furnished pursuant to the first mentioned notice, and where the Commission has so required, the information, particulars, accounts, documents or copies shall be deemed not to have been furnished unless such a certificate in respect thereof has been so supplied. The expense of obtaining any such certificate shall be borne by the person required to supply it.

- (b) by inserting next after paragraph (h) of subsection one of section twenty-nine the following new paragraph : —

(h1) that the licensee has in any one or more financial years incurred underwriting or other losses that in the opinion of the Commission are excessive.

5. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

- (a) by omitting from paragraph (g) of section thirty-eight the words "has been made fraudulently" and by inserting in lieu thereof the words "is frivolous or vexatious or has been made without proper justification";

- (a)(b) by omitting from subsection one of section forty-four the words ", shall where the injury results in death or incapacity for work for a period of three days," and by inserting in lieu thereof the word "shall";

(b)

Workers' Compensation (Amendment).

(b)(e) by omitting section 49A and by inserting in lieu Sec. 49A. thereof the following section : —

49A. (1) The Commission may on application ^{Death of} by a worker and if satisfied as to the matters sought ^{employer.} to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

(a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or

(b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or

(c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

(2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- 5 (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.
- 10 (c)(d) by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";
- (e) by omitting section 64A;
- (d)(f) by inserting at the end of section sixty-eight the following new subsections :—
- 15 (2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its
- 20 members.
- Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.
- 25 (3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or
- 30 the regulations for such offence accordingly, unless

Sec. 58.
(Payment into Commission.)

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Sec. 68.
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cf. 1940,
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Workers' Compensation (Amendment).

he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

5 ~~(e)(g)~~ (i) by inserting in subsection two of section Sec. 71. seventy-one after the word "make" the words (Transfer of funds.) "or are deemed by this subsection to make";

(ii) by inserting at the end of the same subsection the following new paragraph:—

10 (b) The Governor may make regulations under this Act prescribing any country as a country whose laws make the reciprocal provisions referred to in paragraph (a) of this subsection, and for the purposes of this subsection the laws of each country for the time
15 being so prescribed shall be deemed to make such provisions.

6. Any policy of insurance against liability under the ^{Subsisting} Workers' Compensation Act, 1926, or any amendment of ^{policies.} that Act, being maintained in force at the commencement of
20 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 made by this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

the present time, however, it is not possible to determine the exact date of the first appearance of the word "computer" in its modern sense.

It is, however, certain that the word "computer" was used in its modern sense by the time of the first appearance of the word "computer" in its modern sense.

The word "computer" is derived from the Latin word "computare," which means "to calculate" or "to count."

The word "computer" was first used in its modern sense in the year 1646, when it appeared in the title of a book by the English mathematician, Simon Stevin.

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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, 29 March, 1966.

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; 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, 1966".

Short title
and
citation.

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

(3)

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

2. (1) The Principal Act is amended by inserting next
after subsection five of section sixteen the following new
5 subsection :—

Amendment
of Act No.
15, 1926.

Sec. 16.

(Compensa-
tion for
certain
injuries.)

(5A) (a) In this subsection—

10 “Appropriate amount” means the amount of com-
pensation that would, but for this subsection,
be payable under this section for an injury
being a total loss of sight, of hearing or of
a part of the body mentioned in the first
column of the said table, as the case may be.

15 “Loss of function” means permanent diminution or
permanent and total deprivation of sight, of
hearing, or of the full efficient use of a part of
the body referred to in the said table.

20 “Occupational disease” means the condition known
as boilermaker's deafness, or any deafness of
the like origin; total or partial loss of sight
which is of gradual onset; or any disease
which is of such a nature as to be contracted
by a gradual process.

25 (b) If a worker, after having on one or more
occasions (whether before or after the commencement
of the Workers' Compensation (Amendment) Act,
1966) received or become entitled to receive compensa-
tion for an injury (in this section called a “prior injury”)
being an occupational disease, suffers a further loss of
function in respect of the same occupational disease, he
30 shall be deemed to have received a further injury which
shall be deemed to have happened at the time when the
worker makes a claim for compensation for that further
loss of function.

35 (c) Subject to this subsection, a worker who
suffers such a further loss of function as is referred to in
paragraph (b) of this subsection shall be entitled to
receive from his employer in respect of that further
injury,

Workers' Compensation (Amendment).

injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

5 (d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of
10 which the claim is made and—

(i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior
15 injury; or

(ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after
20 the later or, as the case may be, the latest of those prior injuries.

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this
25 section other than this subsection.

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement
30 of this Act.

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) by inserting at the end of section 17A the following new subsection : —

Sec. 17A.
(Bush fire fighters compensation.)

35 (2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- 5 (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- 10 (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely to spread to New South Wales,

15 as though the injury, destruction or damage had been sustained in New South Wales.

- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2c), (2d) and";
- (ii) by inserting at the end of the same subsection the following words :—

25 A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2c) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also inform the Commission thereof forthwith and, if he does not so inform the Commission, shall be deemed not to have made the election.

- 30 (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof
- 35 the

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

Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

5 (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "herein- (Information, etc., to be supplied by licensees.)
after referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";

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

15 (a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations, being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—

20 (i) is or are in the possession or under the control of the licensee; and

25 (ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;

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

(1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Workers' Compensation (Amendment).

- 5 section, or by a subsequent notice, require
that person to supply to the Commission a
certificate by a registered public accountant
under the Public Accountants Registration
Act, 1945, as amended by subsequent Acts,
approved by the Commission or an actuary
so approved as to the correctness of any
information, particulars, accounts or docu-
ments which or copies of which has or have
10 been, or is or are required to be, furnished
pursuant to the first mentioned notice, and
where the Commission has so required, the
information, particulars, accounts, documents
or copies shall be deemed not to have been
15 furnished unless such a certificate in respect
thereof has been so supplied. The expense of
obtaining any such certificate shall be borne
by the person required to supply it.
- 20 (b) by inserting next after paragraph (h) of subsection Sec. 29.
one of section twenty-nine the following new (Termina-
paragraph :— tion of
licenses.)
- (h1) that the licensee has in any one or more
financial years incurred underwriting or
other losses that in the opinion of the
25 Commission are excessive.
5. The Principal Act is further amended—
- Further
amendment
of Act No.
15, 1926.
- 30 (a) by omitting from paragraph (g) of section thirty- Sec. 38.
eight the words "has been made fraudulently" and (Proceed-
by inserting in lieu thereof the words "is frivolous or vexatious or has been made without proper Commission.)
justification";
- 35 (b) by omitting from subsection one of section forty- Sec. 44.
four the words " , shall where the injury results (Reports of
in death or incapacity for work for a period of injuries.)
three days," and by inserting in lieu thereof the
word "shall"; (c)

Workers' Compensation (Amendment).

(c) by omitting section 49A and by inserting in lieu Sec. 49A. thereof the following section : —

49A. (1) The Commission may on application ^{Death of} by a worker and if satisfied as to the matters sought ^{employer.} to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

(a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or

(b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or

(c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

(2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- 5 (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.
- 10 (d) by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";
- (e) by omitting section 64A;
- (f) by inserting at the end of section sixty-eight the following new subsections : —
- 15 (2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its members.
- 20 Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.
- 25 (3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or
- 30 the regulations for such offence accordingly, unless

Sec. 58.
(Payment into Commission.)

Sec. 64A.
(In actions for damages no reference to be made to compensation.)

Sec. 68.
(Recovery of penalties.)

cf. 1940, No. 2, s. 93A.

1962, No. 43, s. 147(3).

he

Workers' Compensation (Amendment).

he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

5 (g) (i) by inserting in subsection two of section Sec. 71. seventy-one after the word "make" the words (Transfer of funds.) "or are deemed by this subsection to make";

(ii) by inserting at the end of the same subsection the following new paragraph :—

10 (b) The Governor may make regulations under this Act prescribing any country as a country whose laws make the reciprocal provisions referred to in paragraph (a) of this subsection, and for the purposes of this subsection the laws of each country for the time
15 being so prescribed shall be deemed to make such provisions.

6. Any policy of insurance against liability under the Substituting
Workers' Compensation Act, 1926, or any amendment of policies.
that Act, being maintained in force at the commencement of
20 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 made by this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

No. , 1966.

A BILL

To amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; and for purposes connected therewith.

[MR. WILLIS;—22 March, 1966.]

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, 1966".

Short title
and
citation.

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

(3)

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

2. (1) The Principal Act is amended by inserting next
after subsection five of section sixteen the following new
5 subsection :—

Amendment
of Act No.
15, 1926.
Sec. 16.
(Compensa-
tion for
certain
injuries.)

(5A) (a) In this subsection—

10 “Appropriate amount” means the amount of com-
pensation that would, but for this subsection,
be payable under this section for an injury
being a total loss of sight, of hearing or of
a part of the body mentioned in the first
column of the said table, as the case may be.

15 “Loss of function” means permanent diminution or
permanent and total deprivation of sight, of
hearing, or of the full efficient use of a part of
the body referred to in the said table.

20 “Occupational disease” means the condition known
as boilermaker's deafness, or any deafness of
the like origin; total or partial loss of sight
which is of gradual onset; or any disease
which is of such a nature as to be contracted
by a gradual process.

25 (b) If a worker, after having on one or more
occasions (whether before or after the commencement
of the Workers' Compensation (Amendment) Act,
1966) received or become entitled to receive compensa-
tion for an injury (in this section called a “prior injury”)
being an occupational disease, suffers a further loss of
function in respect of the same occupational disease, he
30 shall be deemed to have received a further injury which
shall be deemed to have happened at the time when the
worker makes a claim for compensation for that further
loss of function.

35 (c) Subject to this subsection, a worker who
suffers such a further loss of function as is referred to in
paragraph (b) of this subsection shall be entitled to
receive from his employer in respect of that further
injury.

Workers' Compensation (Amendment).

injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

5 (d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of
10 which the claim is made and—

(i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior
15 injury; or

(ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after
20 the later or, as the case may be, the latest of those prior injuries.

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this
25 section other than this subsection.

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement
30 of this Act.

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) by inserting at the end of section 17A the following new subsection :—

Sec. 17A.
(Bush fire fighters compensation.)

35 (2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- 5 (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- 10 (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely to spread to New South Wales,

15 as though the injury, destruction or damage had been sustained in New South Wales.

- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2C), (2D) and";
- (ii) by inserting at the end of the same subsection the following words : —

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

25 A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2C) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also inform the Commission thereof forthwith and, if he does not so inform the Commission, shall be deemed not to have made the election.

- 30
- 35 (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof the

Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "hereinafter referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";
- 10 (ii) by inserting next after the same paragraph the following new paragraph :—
- 15 (a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations,
- 20 being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—
- 25 (i) is or are in the possession or under the control of the licensee; and
- (ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;
- 30 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Sec. 28.
(Informa-
tion, etc.,
to be sup-
plied by
licensees.)

Workers' Compensation (Amendment).

section, or by a subsequent notice, require that person to supply to the Commission a certificate by a registered public accountant under the Public Accountants Registration Act, 1945, as amended by subsequent Acts, approved by the Commission or an actuary so approved as to the correctness of any information, particulars, accounts or documents which or copies of which has or have been, or is or are required to be, furnished pursuant to the first mentioned notice, and where the Commission has so required, the information, particulars, accounts, documents or copies shall be deemed not to have been furnished unless such a certificate in respect thereof has been so supplied. The expense of obtaining any such certificate shall be borne by the person required to supply it.

(b) by inserting next after paragraph (h) of subsection Sec. 29. one of section twenty-nine the following new paragraph :— (Termination of licenses.)

(h1) that the licensee has in any one or more financial years incurred underwriting or other losses that in the opinion of the Commission are excessive.

5. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) by omitting from paragraph (g) of section thirty-eight the words "has been made fraudulently" and by inserting in lieu thereof the words "is frivolous or vexatious or has been made without proper justification"; (Proceedings of Commission.)

(b) by omitting from subsection one of section forty-four the words "shall where the injury results in death or incapacity for work for a period of three days," and by inserting in lieu thereof the word "shall"; (Reports of injuries.) (c)

Workers' Compensation (Amendment).

- (c) by omitting section 49A and by inserting in lieu Sec. 49A. thereof the following section :—

49A. (1) The Commission may on application ^{Death of} by a worker and if satisfied as to the matters sought ^{employer.} to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

(a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or

(b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or

(c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

(2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- 5 (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.
- 10 (d) by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";
- (e) by omitting section 64A;
- (f) by inserting at the end of section sixty-eight the following new subsections :—
- 15 (2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its members.
- 20 Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.
- 25 (3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or the regulations for such offence accordingly, unless
- 30 he

Sec. 58.
(Payment into Commission.)

Sec. 64A.
(In actions for damages no reference to be made to compensation.)

Sec. 68.
(Recovery of penalties.)

cf. 1940, No. 2, s. 93A.

1962, No. 43, s. 147 (3).

Workers' Compensation (Amendment).

he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

5 (g) (i) by inserting in subsection two of section Sec. 71.
seventy-one after the word "make" the words (Transfer
"or are deemed by this subsection to make"; of funds.)

(ii) by inserting at the end of the same subsection the following new paragraph : —

10 (b) The Governor may make regulations
under this Act prescribing any country as a
country whose laws make the reciprocal pro-
visions referred to in paragraph (a) of this
subsection, and for the purposes of this subsec-
15 tion the laws of each country for the time
being so prescribed shall be deemed to make
such provisions.

6. Any policy of insurance against liability under the Substituting
Workers' Compensation Act, 1926, or any amendment of policies.
that Act, being maintained in force at the commencement of
20 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 made by this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

WORKERS' COMPENSATION (AMENDMENT) BILL, 1966.

EXPLANATORY NOTE.

THE objects of this Bill are:—

- (a) to enable a worker who, after receiving or becoming entitled to lump sum compensation under the Workers' Compensation Act, 1926-1965, for boiler-maker's deafness or other occupational disease, suffers a further loss of hearing or other impairment of function as a result of that disease, to recover a further amount of compensation, and to prescribe the method whereby that further amount shall be calculated ;
- (b) to amend the provisions of that Act which relate to the compensation of bush fire fighters—
 - (i) by providing that compensation shall be paid to members of bush fire brigades and certain other fire fighters for injury or damage notwithstanding that it was sustained in another State or Territory of the Commonwealth ;
 - (ii) by providing that no deduction from compensation for an injury shall be made in respect of amounts paid or payable, otherwise than in pursuance of the workers' compensation laws of this or another State or a Territory, as compensation for the injury ; and
 - (iii) by incorporating therein those of the general provisions of the Act which relate to the entitlement of a worker to receive compensation for a period of incapacity when he was in receipt of or entitled to payment for holidays, annual holidays, long service leave or sick leave ;
- (c) to repeal section 64A of the Act, which forbids the making of any reference to compensation benefits in the presence of the jury in actions for damages for injury ;
- (d) to make it unnecessary for dependants of a worker who are resident in any country prescribed by regulations to prove, in a claim for compensation under the Act, that the laws of that country make reciprocal provision for the payment of compensation to the dependants resident in New South Wales of a worker killed or injured in that prescribed country ;
- (e) to require licensed insurers and self-insurers to furnish to the Workers' Compensation Commission, when so required by the Commission, in addition to the information and documents at present required to be furnished—
 - (i) a certificate by an accountant or actuary, approved by the Commission, as to the correctness of any information or documents furnished ; and
 - (ii) information and documents in the possession of or under the control of the licensee and relating to the business or financial position of the holding company or any subsidiary of the licensee ;
- (f) to add to the grounds on which the license of an insurer may be cancelled the ground that the licensee has in any one or more financial years incurred underwriting or other losses that in the opinion of the Commission were excessive ;

- (g) to extend the provisions of sections 49 and 49A, which provide that in certain events the rights of an employer against his insurer in relation to compensation due to a worker shall be transferred to and vest in the worker, so as to apply to the case where an employer is permanently resident outside Australia or cannot, after due enquiry and search, be found, or being a body incorporated outside Australia has ceased to be registered as a foreign company in any part of Australia ;
 - (h) to amend the present restriction on the power of the Commission to award costs against an applicant ; and
 - (i) to enable a prosecution for an offence against the Act to be instituted against the secretary or managing committee of an employer which is an unincorporated club, as nominal defendants for the club, and to provide that the directors and officers of a company which is convicted of such an offence shall in certain circumstances be deemed to be themselves guilty of a like offence.
-

No. , 1966.

A BILL

To amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; and for purposes connected therewith.

[MR. WILLIS;—22 March, 1966.]

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, 1966".

Short title
and
citation.

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

(3)

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

2. (1) The Principal Act is amended by inserting next
after subsection five of section sixteen the following new
5 subsection :—

Amendment
of Act No.
15, 1926.
Sec. 16.
(Compensa-
tion for
certain
injuries.)

(5A) (a) In this subsection—

10 “Appropriate amount” means the amount of com-
pensation that would, but for this subsection,
be payable under this section for an injury
being a total loss of sight, of hearing or of
a part of the body mentioned in the first
column of the said table, as the case may be.

15 “Loss of function” means permanent diminution or
permanent and total deprivation of sight, of
hearing, or of the full efficient use of a part of
the body referred to in the said table.

20 “Occupational disease” means the condition known
as boilermaker’s deafness, or any deafness of
the like origin; total or partial loss of sight
which is of gradual onset; or any disease
which is of such a nature as to be contracted
by a gradual process.

25 (b) If a worker, after having on one or more
occasions (whether before or after the commencement
of the Workers’ Compensation (Amendment) Act,
1966) received or become entitled to receive compensa-
tion for an injury (in this section called a “prior injury”)
being an occupational disease, suffers a further loss of
function in respect of the same occupational disease, he
30 shall be deemed to have received a further injury which
shall be deemed to have happened at the time when the
worker makes a claim for compensation for that further
loss of function.

35 (c) Subject to this subsection, a worker who
suffers such a further loss of function as is referred to in
paragraph (b) of this subsection shall be entitled to
receive from his employer in respect of that further
injury,

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injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

5 (d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of
10 which the claim is made and—

(i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior
15 injury; or

(ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after
20 the later or, as the case may be, the latest of those prior injuries.

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this
25 section other than this subsection.

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement
30 of this Act.

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) by inserting at the end of section 17A the following new subsection :—

Sec. 17A.
(Bush fire fighters compensation.)

35 (2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- 5 (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- 10 (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely to spread to New South Wales,

15 as though the injury, destruction or damage had been sustained in New South Wales.

- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2C), (2D) and";
- 20 (ii) by inserting at the end of the same subsection the following words : —

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

25 A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2C) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also inform the Commission thereof forthwith and, if he does not so inform the Commission, shall be deemed not to have made the election.

- 30
- 35 (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof the

Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "hereinafter referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";
- 10 (ii) by inserting next after the same paragraph the following new paragraph :—
- 15 (a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations,
- 20 being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—
- 25 (i) is or are in the possession or under the control of the licensee; and
- (ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;
- 30 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Sec. 28.
(Information, etc.,
to be supplied by
licensees.)

Workers' Compensation (Amendment).

section, or by a subsequent notice, require
 that person to supply to the Commission a
 certificate by a registered public accountant
 under the Public Accountants Registration
 Act, 1945, as amended by subsequent Acts,
 approved by the Commission or an actuary
 so approved as to the correctness of any
 information, particulars, accounts or docu-
 ments which or copies of which has or have
 been, or is or are required to be, furnished
 pursuant to the first mentioned notice, and
 where the Commission has so required, the
 information, particulars, accounts, documents
 or copies shall be deemed not to have been
 furnished unless such a certificate in respect
 thereof has been so supplied. The expense of
 obtaining any such certificate shall be borne
 by the person required to supply it.

(b) by inserting next after paragraph (h) of subsection Sec. 29.
 one of section twenty-nine the following new (Termina-
 paragraph :— tion of
 licenses.)

(h1) that the licensee has in any one or more
 financial years incurred underwriting or
 other losses that in the opinion of the
 Commission are excessive.

5. The Principal Act is further amended—

Further
 amendment
 of Act No.
 15, 1926.

(a) by omitting from paragraph (g) of section thirty- Sec. 38.
 eight the words "has been made fraudulently" and (Proceed-
 by inserting in lieu thereof the words "is frivolous ings of
 or vexatious or has been made without proper Commis-
 justification"; sion.)

(b) by omitting from subsection one of section forty- Sec. 44.
 four the words ", shall where the injury results (Reports of
 in death or incapacity for work for a period of injuries.)
 three days," and by inserting in lieu thereof the
 word "shall"; (c)

Workers' Compensation (Amendment).

- (c) by omitting section 49A and by inserting in lieu Sec. 49A. thereof the following section :—

49A. (1) The Commission may on application ^{Death of} by a worker and if satisfied as to the matters sought ^{employer.} to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

(a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or

(b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or

(c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

(2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- 5 (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.
- 10 (d) by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";
- (e) by omitting section 64A;
- (f) by inserting at the end of section sixty-eight the following new subsections :—
- 15 (2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its members.
- 20 Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.
- 25 (3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or the regulations for such offence accordingly, unless
- 30 he

Sec. 58.
(Payment into Commission.)

Sec. 64A.
(In actions for damages no reference to be made to compensation.)

Sec. 68.
(Recovery of penalties.)

cf. 1940, No. 2, s. 93A.

1962, No. 43, s. 147 (3).

Workers' Compensation (Amendment).

he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

5 (g) (i) by inserting in subsection two of section Sec. 71.
seventy-one after the word "make" the words (Transfer
"or are deemed by this subsection to make"; of funds.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

10 (b) The Governor may make regulations
under this Act prescribing any country as a
country whose laws make the reciprocal pro-
visions referred to in paragraph (a) of this
subsection, and for the purposes of this subsec-
15 tion the laws of each country for the time
being so prescribed shall be deemed to make
such provisions.

6. Any policy of insurance against liability under the Substituting
Workers' Compensation Act, 1926, or any amendment of policies.
that Act, being maintained in force at the commencement of
20 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 made by this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966
[10c]

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, 31 March, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 34, 1966.

An Act to amend the law relating to workers' compensation; to amend the Workers' Compensation Act, 1926-1965, in certain respects; and for purposes connected therewith. [Assented to, 13th April, 1966.]

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, 1966".

Short title
and
citation.

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

(3)

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

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

Workers' Compensation (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1966.

Amendment
of Act No.
15, 1926.
Sec. 16.
(Compensa-
tion for
certain
injuries.)

2. (1) The Principal Act is amended by inserting next after subsection five of section sixteen the following new subsection : —

(5A) (a) In this subsection—

“Appropriate amount” means the amount of compensation that would, but for this subsection, be payable under this section for an injury being a total loss of sight, of hearing or of a part of the body mentioned in the first column of the said table, as the case may be.

“Loss of function” means permanent diminution or permanent and total deprivation of sight, of hearing, or of the full efficient use of a part of the body referred to in the said table.

“Occupational disease” means the condition known as boilermaker's deafness, or any deafness of the like origin; total or partial loss of sight which is of gradual onset; or any disease which is of such a nature as to be contracted by a gradual process.

(b) If a worker, after having on one or more occasions (whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1966) received or become entitled to receive compensation for an injury (in this section called a “prior injury”) being an occupational disease, suffers a further loss of function in respect of the same occupational disease, he shall be deemed to have received a further injury which shall be deemed to have happened at the time when the worker makes a claim for compensation for that further loss of function.

(c) Subject to this subsection, a worker who suffers such a further loss of function as is referred to in paragraph (b) of this subsection shall be entitled to receive from his employer in respect of that further injury,

Workers' Compensation (Amendment).

injury, in addition to any other compensation prescribed by this Act, a percentage, calculated in accordance with paragraph (d) of this subsection, of the appropriate amount indicated in the second column of the said table.

(d) The percentage referred to in paragraph (c) of this subsection shall be the difference between the total percentage of loss of function, in respect of the relevant occupational disease, from which the worker was suffering immediately after the injury in respect of which the claim is made and—

- (i) where the worker has had only one prior injury, the percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after that prior injury; or
- (ii) where the worker has had more than one prior injury, the total percentage of loss of function from which he was suffering, in respect of the relevant occupational disease, immediately after the later or, as the case may be, the latest of those prior injuries.

(e) Where a worker suffers such a further loss of function as is referred to in paragraph (b) of this subsection he shall not be entitled to receive compensation for that further injury under any provision of this section other than this subsection.

(2) The amendment made by subsection one of this section shall apply to and in respect of injuries received before as well as to those received after the commencement of this Act.

3. The Principal Act is further amended—

- (a) by inserting at the end of section 17A the following new subsection :—

(2) This Part of this Act shall extend and apply to and in respect of injury or destruction of or damage

Further amendment of Act No. 15, 1926.

Sec. 17A.
(Bush fire fighters compensation.)

Workers' Compensation (Amendment).

damage to property sustained within the Commonwealth of Australia and its Territories but outside New South Wales by—

- (a) any person referred to in paragraph (a) of the definition of "Fire fighter" in subsection one of section 17B of this Act; or
- (b) any person referred to in paragraph (b) of that definition, resident in New South Wales; or
- (c) any person referred to in paragraph (c) of that definition, resident in New South Wales, if the bush fire referred to in that paragraph was within or partly within or, in the opinion of the Commission, likely to spread to New South Wales,

as though the injury, destruction or damage had been sustained in New South Wales.

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

- (b) (i) by omitting from subsection three of section 17C the word "subsection" and by inserting in lieu thereof the words "subsections (2B), (2C), (2D) and";
- (ii) by inserting at the end of the same subsection the following words :—

A person entitled to an award under this section in respect of an injury or who would be so entitled if he elected pursuant to subsection (2C) of section seven of this Act to receive compensation in respect of that injury shall, if he makes such an election by informing his employer thereof in accordance with the requirements of that subsection, also inform the Commission thereof and, if he does not so inform the Commission, shall be deemed not to have made the election.

- (iii) by omitting from subsection eight of the same section the words "any Act relating to workers' compensation, or from any other source whatsoever" and by inserting in lieu thereof
the

Workers' Compensation (Amendment).

the words "any Act or ordinance relating to worker's compensation of any State or Territory of the Commonwealth of Australia".

4. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

- (a) (i) by omitting from paragraph (a) of subsection one of section twenty-eight the words "hereinafter referred to" and by inserting in lieu thereof the words "hereafter referred to in this paragraph";

Sec. 28. (Information, etc., to be supplied by licensees.)

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

(a1) being a corporation, shall furnish to the Commission within the time specified in the notice hereafter referred to in this paragraph such information, particulars, accounts, documents and copies of accounts and documents as to the business and financial position of any corporation or corporations, being the holding company or a subsidiary or subsidiaries of the licensee, specified in the notice as—

(i) is or are in the possession or under the control of the licensee; and

(ii) the Commission may by notice in writing to the licensee from time to time require to be furnished;

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

(1A) The Commission may by the terms of a notice given to any person pursuant to paragraph (a) of subsection one of this section,

Workers' Compensation (Amendment).

section, or by a subsequent notice, require that person to supply to the Commission a certificate by a registered public accountant under the Public Accountants Registration Act, 1945, as amended by subsequent Acts, approved by the Commission or an actuary so approved as to the correctness of any information, particulars, accounts or documents which or copies of which has or have been, or is or are required to be, furnished pursuant to the first mentioned notice, and where the Commission has so required, the information, particulars, accounts, documents or copies shall be deemed not to have been furnished unless such a certificate in respect thereof has been so supplied. The expense of obtaining any such certificate shall be borne by the person required to supply it.

Sec. 29.
(Termination of
licenses.)

- (b) by inserting next after paragraph (h) of subsection one of section twenty-nine the following new paragraph :—

(h1) that the licensee has in any one or more financial years incurred underwriting or other losses that in the opinion of the Commission are excessive.

Further
amendment
of Act No.
15, 1926.

5. The Principal Act is further amended—

Sec. 44.
(Reports of
injuries.)

- (a) by omitting from subsection one of section forty-four the words “, shall where the injury results in death or incapacity for work for a period of three days,” and by inserting in lieu thereof the word “shall”; (b)

Workers' Compensation (Amendment).

- (b) by omitting section 49A and by inserting in lieu thereof the following section : —

49A. (1) The Commission may on application by a worker and if satisfied as to the matters sought to be declared, declare that an employer has entered into a contract with an insurer, named in the declaration, in respect of any liability under this Act to that worker and that the employer—

Death of
employer.

- (a) being a natural person, has died, or is permanently resident outside the Commonwealth of Australia and its Territories, or cannot after due inquiry and search be found; or
- (b) being a corporation (other than a company which has commenced to be wound up) has ceased to exist; or
- (c) being a company, corporation, society, association or other body (other than a company which has commenced to be wound up) was at the time when it commenced to employ the worker incorporated outside the Commonwealth of Australia and its Territories and registered as a foreign company under the laws of any State or Territory of the Commonwealth of Australia and is not at the time of the declaration so registered under any such law.

On the Commission making such a declaration, the rights the employer has or would, had the employer not died or being a corporation ceased to exist, have had against the insurer as respects that liability shall be transferred to and vested in the worker.

(2) Where by the operation of this section the rights of an employer against an insurer are transferred to and vest in a worker, and the liability of

Workers' Compensation (Amendment).

of the insurer to the worker is less than the liability of the employer to the worker, then the worker may, if the employer—

- (a) has not died or, being a corporation, ceased to exist, proceed for the balance against the employer;
- (b) has died, proceed for the balance against the employer's personal representative.

Sec. 58.
(Payment
into Com-
mission.)

- (c) by omitting from subsection two of section fifty-eight the words "elects to accept" and by inserting in lieu thereof the words "becomes entitled to";

Sec. 68.
(Recovery
of penalties.)

- (d) by inserting at the end of section sixty-eight the following new subsections : —

cf. 1940,
No. 2,
s. 93A.

(2) Any proceedings for a penalty under this Act or the regulations against an employer which is an unincorporated club may be taken against the secretary or the managing committee of the club as nominal defendants on behalf of the club and its members.

Any property of the club, whether in the hands of trustees or not, shall be available to answer any penalty imposed in such proceedings.

1962, No. 43,
s. 147 (3).

(3) Where a person convicted of an offence against this Act or the regulations is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act or the regulations for such offence accordingly, unless
he

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he proves that the offence was committed without his knowledge or that he used due diligence to prevent the commission of the offence.

- (e) (i) by inserting in subsection two of section Sec. 71.
seventy-one after the word "make" the words (Transfer of funds.)
"or are deemed by this subsection to make";
- (ii) by inserting at the end of the same subsection the following new paragraph :—

(b) The Governor may make regulations under this Act prescribing any country as a country whose laws make the reciprocal provisions referred to in paragraph (a) of this subsection, and for the purposes of this subsection the laws of each country for the time being so prescribed shall be deemed to make such provisions.

6. Any policy of insurance against liability under the Subsisting
Workers' Compensation Act, 1926, or any amendment of policies.
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 made by this Act.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th April, 1966.*

