

WORKERS' COMPENSATION (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 12 November, 1970.*

No. 1.—Pages 6 and 7, clause 2, lines 1 to 39 on page 6 and lines 1 to 4 on page 7. *Insert—*

- (iii) by omitting from the same paragraph the words “a medical board in accordance with the provisions of this subsection” and by inserting in lieu thereof the words “the Commission: Provided that the compensation payable pursuant to this paragraph in respect of any substantial degree of loss of the sense of smell or of the sense of taste shall not be less than five hundred dollars”;
- (iv) by inserting in paragraph (b) of the same subsection after the words “compensation under” the words “paragraph (a) of”;
- (v) by omitting from paragraph (b) of the same subsection the word “questions” and by inserting in lieu thereof the word “question”;
- (vi) by omitting from the same paragraph the words “or, as the case may require, whether any loss of the sense of smell or of the sense of taste”;
- (vii) by omitting from the same paragraph the word “decisions” and by inserting in lieu thereof the word “decision”;
- (viii) by inserting at the end of the same subsection the following new paragraphs:—

(d) The Commission or the Registrar shall, on application by a person claiming to be entitled as a worker to compensation under paragraph (a1) of this subsection and on payment by the applicant of such fee, not exceeding two dollars, as may be prescribed by rules, refer to a medical board within the meaning of section fifty-one of this Act the question whether any loss of the sense of smell or of the sense of taste exists, and if so whether the loss is total.

(e) A medical board to which a question is referred under paragraph (d) of this subsection shall report its findings on the question to the Commission and the applicant, and may include in its report such further information and such expressions of opinion as, in its opinion, are or may be relevant to the assessment of compensation under paragraph (a1) of this subsection.

No. 2.—Page 8, clause 2, lines 1 to 5. *Insert—*

- Sec. 51. (g) by inserting in subsection five of section fifty-one after the word “shall” where secondly occurring the words “, except in relation to (Medical inspection.) a question referred to the board under paragraph (d) of subsection (1B) of section sixteen of this Act,”.

No. 3.—Page 23, clause 13. *After line 23 insert—*

Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 November, 1970.*

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

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 12 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

BE

27555 326—A

NOTE.—The words to be inserted are printed in black letter.

Workers' Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1970".

Short title,
commence-
ment and
construction.

(2) This Act, sections fifteen and eighteen excepted,
shall commence upon a day (in this Act referred to as the
appointed day) to be appointed by the Governor and notified
by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act,
1926, is referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
15, 1926.

(a) (i) by omitting from paragraph (a) of subsection
one of section eight the words "ten thousand
dollars" and by inserting in lieu thereof the
words "twelve thousand five hundred dollars";

Sec. 8.
(Compensa-
tion
payments
(Death).)

(ii) by omitting from paragraph (b) of the same
subsection the words "five dollars" and by
inserting in lieu thereof the words "six
dollars twenty-five cents";

(iii) by omitting from subsection three of the
same section the words "two thousand eight
hundred dollars" and by inserting in lieu
thereof the words "three thousand five hundred
dollars";

(iv) by omitting from subsection four of the same
section the words "one hundred and twenty
dollars" and by inserting in lieu thereof the
words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection Sec. 9.
one of section nine the words "seventy-five per (Total or
centum" and by inserting in lieu thereof the partial
words "eighty per centum"; incapacity.)
- 5 (ii) by omitting from the same paragraph the
words "twenty-six dollars" and by inserting in
lieu thereof the words "thirty-two dollars fifty
cents";
- 10 (iii) by omitting from the same paragraph the
words "seventeen dollars fifty cents" and by
inserting in lieu thereof the words "twenty-two
dollars";
- 15 (iv) by omitting from subparagraph (i) of para-
graph (b) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 20 (v) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 25 (vi) by omitting from subparagraph (i) of para-
graph (c) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 30 (vii) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- (viii) by omitting from paragraph (a) of subsection
35 (1A) of the same section the figures "1967"
and by inserting in lieu thereof the figures
"1970";
- (ix) by omitting from the same paragraph the
words "or the State basic wage" and by
inserting in lieu thereof the words ", the State
basic wage or the wage basis";

(x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- 5 (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- 10 (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;"
- 15 (xiii) by inserting at the end of the same paragraph the following new definition :—

"wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- 20
- 25
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 30
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- 35 (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";

(xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- 5 (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- 10 (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 15 (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 20 (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- 25 (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- 30 (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars";
- 35 (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";

(iii)

Workers' Compensation (Amendment).

- 5 (iii) by omitting from the same paragraph the words "a medical board in accordance with the provisions of this subsection" and by inserting in lieu thereof the words "the Commission: Provided that the compensation payable pursuant to this paragraph in respect of any substantial degree of loss of the sense of smell or of the sense of taste shall not be less than five hundred dollars";
- 10 (iv) by inserting in paragraph (b) of the same subsection after the words "compensation under" the words "paragraph (a) of";
- 15 (v) by omitting from paragraph (b) of the same subsection the word "questions" and by inserting in lieu thereof the word "question";
- (vi) by omitting from the same paragraph the words "or, as the case may require, whether any loss of the sense of smell or of the sense of taste";
- 20 (vii) by omitting from the same paragraph the word "decisions" and by inserting in lieu thereof the word "decision";
- (viii) by inserting at the end of the same subsection the following new paragraphs :—
- 25 (d) The Commission or the Registrar shall, on application by a person claiming to be entitled as a worker to compensation under paragraph (a1) of this subsection and on payment by the applicant of such fee, not exceeding two dollars, as may be prescribed by rules, refer to a medical board within the meaning of section fifty-one of this Act the question whether any loss of the sense of smell or of the sense of taste exists, and if so whether the loss is total.
- 30 (e) A medical board to which a question is referred under paragraph (d) of this subsection shall report its findings on the question to the Commission and the applicant, and may include in its report such further information
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Workers' Compensation (Amendment).

information and such expressions of opinion as, in its opinion, are or may be relevant to the assessment of compensation under paragraph (a1) of this subsection.

- 5 (ix) ~~(iii)~~ by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof	6,600
	Loss of lower part of either arm, either hand, or	
15	five fingers of either hand	5,600
	Loss of a leg or of the greater part thereof ..	6,000
	Loss of the lower part of a leg	5,200
	Loss of a foot	5,000
	Loss of sight of one eye, with serious diminution of	
20	the sight of the other	6,000
	*Loss of sight of one eye	3,500
	Loss of hearing of both ears	5,000
	†Loss of hearing of one ear	2,400
	‡Loss of power of speech	5,000
25	Loss of a thumb	2,400
	Loss of a forefinger	1,600
	Loss of a joint of a thumb	1,500
	Loss of little finger, middle finger or ring finger ..	850
	Loss of a toe or the joint of a finger	750
30	Loss of a joint of a toe	450
	Loss of a great toe	1,600
	Loss of joint of forefinger or of joint of great toe	850

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

- † For the partial loss of hearing of one ear there shall be payable such percentage of the amount that would be payable for the total loss of the hearing thereof as is equal to the percentage of the diminution of hearing.

- ‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

(g)

Workers' Compensation (Amendment).

- 5 (g) by inserting in subsection five of section fifty-one **Sec. 51.**
 after the word "shall" where secondly occurring the **(Medical**
 words " , except in relation to a question referred **inspection.)**
 to the board under paragraph (d) of subsection (1B)
 of section sixteen of this Act,".

10 (2) (a) The amendments made by subparagraph (ii)
 of paragraph (a) and paragraph (b) of subsection one of
 this section shall be deemed to extend to and, on and from
 the appointed day, apply in respect of all persons and
 institutions who or which immediately before that day were
 in receipt of or entitled to weekly payments under the pro-
 visions of section eight or nine of the Principal Act or under
 those provisions of the Workers' Compensation (Dust
 Diseases) Act, 1942-1967, which prescribe weekly payments
 15 by reference to the Principal Act, as well as to all persons
 and institutions becoming entitled to weekly payments under
 any of such provisions on or after that day.

20 (b) The compensation prescribed by section
 eight of the Principal Act, as amended by paragraph (a) of
 subsection one of this section, shall be payable in accordance
 with the said section eight in respect of the death of any
 worker which on or after the appointed day results from an
 injury whether received before, on or after that day.

25 (c) The compensation prescribed by section
 sixteen of the Principal Act, as amended by paragraph (f)
 of subsection one of this section, for an injury of a particular
 kind shall be payable for—

- (i) any injury of that kind received on or after the
 appointed day; and
 30 (ii) any injury of that kind received before the
 appointed day by a worker who has not before
 that day been awarded, or has not received or
 agreed to receive for that injury the compensation
 prescribed by section sixteen of the Principal Act,
 35 as enacted immediately before that day.

Workers' Compensation (Amendment).

3. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words
5 "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";
- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- (c) by inserting next after the same paragraph the
10 following new paragraph :—
- (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA
15 of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

Sec. 6.
(Defini-
tions.)

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection (2C) of section seven and
20 by inserting in lieu thereof the following sub-
section :—
- (2C) (a) In this subsection "wages" means
wages, salary, allowance, or other payment.
- (b) Compensation shall be payable in
25 accordance with the provisions of this Act to a
worker in respect of a period of incapacity not-
withstanding that the worker has received or is
entitled under any Act, award, industrial agreement
30 or contract of employment to receive any wages for
sick leave in respect of that period.

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

(c)

Workers' Compensation (Amendment).

5 (c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

10 (i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

15 (ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

20 (d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of that period—

25 (i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

30 (ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

5 (e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

10 (i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

15 (ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

20 (f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him
25 in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

30 (b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

Sec. 10.
(Medical
and hospital
treatment,
&c.)

5 (1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

10 (b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

15 his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

20 "Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

- 25 (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

30 (a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—
- 5 treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,
- but does not include ambulance service or hospital treatment.
- 10 (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any
- 15 rehabilitation centre conducted by a hospital,";
- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";
- (g) by inserting in the same definition after the words "by the hospital" the words ", at the hospital or
- 20 rehabilitation centre,";
- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in
- 25 obtaining any such treatment, but does not include ambulance service";
- (i) by inserting at the end of the same subsection the following new definition :—
- 30 "Treatment by way of rehabilitation" means—
- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- 5 (j) by inserting in paragraph (d) of subsection three
of the same section after the word "treatment" the
words "afforded by that hospital".

(2) The amendments made by subsection one of this
section shall apply to and in respect of injuries received
10 before the appointed day as well as to and in respect of
injuries received on or after that day.

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

Further
amendment
of Act No.
15, 1926.

- 15 (a) by inserting next after subparagraph (i) of para-
graph (d) of subsection one of section seven the
following new subparagraph :—

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

- (ia) between the worker's place of abode or
place of employment and any other place,
where the journey is made for the purpose
of having, undergoing or obtaining any
20 consultation, examination or prescription
referred to in subsection three of section
10A of this Act;

- 25 (b) by inserting at the end of subsection three of section
10A the words "and also to include the amount of
any wages lost by the worker by reason of his atten-
dance at any place for the purpose of having,
undergoing or obtaining any such consultation,
examination or prescription".

Sec. 10A.
(Damages to
artificial
limbs, etc.)

30 (2) The amendments made by subsection one of this
section shall apply to and in respect of journeys and atten-
dances on or after the appointed day, whether the damage
in connection with which the journeys were made or the
attendances took place was sustained before, on or after that
day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting
next after subsection (5A) of section sixteen the following
new subsection :—

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

5 (5B) (a) Subject to this subsection, in ascertaining, Sadler v. The
for the purposes of this section, the percentage of the Com-
diminution of hearing in respect of boilermaker's deaf- missioner for
ness, or any deafness of the like origin, of a worker who Railways
is over the prescribed age, it shall be conclusively (N.S.W.).
10 presumed that his loss of hearing is, to the extent of the
prescribed number of decibels for each complete year of
his age in excess of the prescribed age, to be attributed
to presbycusis.

(b) For the purposes of this subsection—

15 (i) the prescribed age is fifty years or, where some
other age is prescribed by regulations made
under this Act, the age so prescribed;

20 (ii) the prescribed number of decibels is one half or,
where some other number is prescribed by
regulations made under this Act, the number so
prescribed.

25 (c) Regulations made under subparagraph (ii)
of paragraph (b) of this subsection may prescribe
different numbers of decibels in respect of different
methods of ascertaining the extent of diminution of hear-
ing, and any number thereby prescribed may be or
include a fraction.

(d) Nothing in this subsection applies in a case
of total loss of hearing of either ear.

8.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,"; Sec. 18.
(Com-
pulsory
insurance.)
- 5 (b) by omitting from subsection (1A) of the same section the words "suspend or terminate any such license, or limit or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof" and by inserting in lieu thereof the words
- 10 "exercise, in relation to the license of that employer, the power specified in subsection one of section 29c of this Act";
- (c) by omitting paragraph (b) of subsection seven of the same section;
- 15 (d) by inserting at the end of the same section the following new subsection :—
- (9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who
- 20 fails to comply with subsection two of this section, shall be guilty of an offence against this Act.
- (e) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses"; Sec. 19.
(Com-
pulsory
reinsur-
ance.)
- 25

(ii)

Workers' Compensation (Amendment).

- (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- 5 (f) (i) by omitting from paragraph (k) of subsection Sec. 29. one of section twenty-nine the words "and the (Termination of licenses.) arrangement of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has";
- 10 (ii) by omitting from the same paragraph the words "he should not continue to hold a license" and by inserting in lieu thereof the words "the Commission should exercise its power under this subsection in relation to the license";
- 15 (iii) by omitting from the same subsection the words "suspend, or terminate, any license granted under section twenty-seven of this Act, or limit, or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof," and by inserting in lieu thereof the words "exercise, in relation to any license granted under section twenty-seven of this Act, the power specified in subsection one of section 29c of this Act,";
- 20 (iv) by omitting from paragraph (a) of subsection three of the same section the words "on any ground specified in subsection one of this section or subsection seven of section 18c of this Act for the suspension or termination of a license or for limiting or varying the period of a license or attaching any conditions thereto or varying the conditions thereof" and
- 25 30

Workers' Compensation (Amendment).

by inserting in lieu thereof the words "for the exercise by the Commission of its power under subsection one of this section in relation to any license";

5 (v) by omitting from the same paragraph the words "his license should not be dealt with as aforesaid" and by inserting in lieu thereof the words "the Commission should not exercise that power in relation to the license";

10 (vi) by omitting from paragraph (b) of the same subsection the words "the license should be dealt with" and by inserting in lieu thereof the words "the Commission should exercise its power";

15 (vii) by omitting from paragraph (d) of the same subsection the words "dealing with a license as aforesaid" and by inserting in lieu thereof the words "under this section in relation to a license";

20 (g) by inserting next after section 29A the following new sections :—

New secs.
29B and
29C.

25 29B. The Commission may, at the request of a licensee, exercise in relation to his license the power specified in subsection one of section 29C of this Act.

Power of
Commis-
sion at
request of
licensee.

29C. (1) The power, referred to in subsection (1A) of section eighteen, subsection one of section twenty-nine, and section 29B of this Act, of the Commission in relation to a license is a power—

Power of
Commis-
sion in
relation to
termina-
tion, etc.,
of licenses.

30 (a) to suspend the license;

(b) to terminate the license;

(c)

Workers' Compensation (Amendment).

- (c) if the license was granted—
- (i) without limitation of time, to limit the period of the license;
 - (ii) for a period, to vary that period;
- 5 (d) if the license was granted—
- (i) without conditions, to attach conditions to it;
 - (ii) subject to conditions, to vary those conditions; or
- 10 (e) both—
- (i) to limit or vary the period of the license as mentioned in paragraph (c) of this subsection; and
 - (ii) to attach conditions to or vary the conditions of the license as mentioned in paragraph (d) of this subsection.
- 15

(2) The power of the Commission, under any provisions of this Act, to vary the conditions of a license includes a power to omit any of those conditions and a power to attach new conditions to the license.

20

(h) by omitting section 30;

Sec. 30.
(Termination, etc., of licenses at request of licensees.)

(i) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine".

25

Sec. 30A.
(Insurance Premiums Committee.)

(2) Paragraphs (b), (f), (g), (h) and (i) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand nine hundred and sixty-four.

30

Workers' Compensation (Amendment).

9. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;";

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

- 10 (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

Further
amendment
of Act No.
15, 1926.
Sec. 60.
(Review.)

- 15 (3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

(a) the worker was over twenty-one years of age;
and

- 20 (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

- 25 the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

5 (a) by omitting subsection two of section seventy-one;

Sec. 71.
(Transfer
of funds.)

(b) by inserting next after the same section the following new section :—

New sec.
72.

10 72. Compensation is payable to a worker or his dependants in accordance with the provisions of this Act notwithstanding that he or they reside, or at any time resided, outside New South Wales. Residence.

(2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

20 **12. The Principal Act is further amended—**

Further
amendment
of Act No.
15, 1926.

(a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose";

Sec. 17B.
(Interpreta-
tion.)

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (c) of subsection two of section 17c the word "Act." and by inserting in lieu thereof the words—

Act,

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

- 5 together with such amount as the Commission may award in respect of the costs of the application.

- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of";

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

- 10 (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";

- (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";

15

- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—

20

- (ii) no indemnity shall be payable in respect of any loss—

25

- (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or

- (b) resulting from reasonable wear and tear;

30

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

35

(1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he shall

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

- 5 (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or
- 10 (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,
- 15 and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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. Subsisting policies.

Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended— Amendment of Act No. 14, 1942.

- (a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases"; Sec. 1. (Short title.)
- 35 (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars"; Sec. 8. (Certificate of medical authority.)
- (ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 5 (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- 30 (b) by omitting from paragraph (g) of clause (1) of the same paragraph the symbol and figures "\$140" and by inserting in lieu thereof the symbol and figures "\$300";
- 35

(c)

Workers' Compensation (Amendment).

- (c) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- 5 (d) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- (e) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".
- 10

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

(3) This section shall commence upon a day to be appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further amendment of Act No. 36, 1920.
Sec. 7A.
(Beneficiaries residing abroad.)

17. The Principal Act is further amended by inserting next after paragraph (f) of section thirty-eight the following new paragraph :—

Further amendment of Act No. 15, 1926.

- (f1) pay from the fund such moneys as it thinks proper for or in connection with enabling persons to take or defend, or be a party to, proceedings before the Commission as poor persons;
- Sec. 38.
(Proceedings of Commission.)

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting section forty-one and by inserting in lieu thereof the following section :—

41. (1) In this section—

Sec. 41.
(Constitu-
tion of
fund.)

5 “Employer” includes a racing club or association.

“Financial year” means year commencing on the first day of July.

10 (2) There shall be a fund, in this Act called “the fund”, belonging to and vested in the Commission and consisting of—

(a) the amounts which immediately before the first day of July, one thousand nine hundred and seventy, stood to the credit of the fund constituted by this section as then enacted;

15 (b) the amounts contributed by insurers and self-insurers pursuant to this section; and

(c) all other amounts received by the Commission and not otherwise appropriated.

20 (3) There shall be paid from the fund, in addition to all moneys paid therefrom pursuant to any other provisions of this Act, all moneys required—

(a) for the salaries of the members of the Commission and its staff; and

25 (b) for carrying out the provisions of this Act where moneys are not otherwise provided for that purpose.

(4) The Commission shall, as early as is practicable in each financial year—

30 (a) make an estimate of the total of the amounts already paid and the amounts to be paid from the fund during that financial year;

(b)

Workers' Compensation (Amendment).

- 5 (b) determine what amounts, if any, shall be set aside as provision to meet expenditure from the fund in future years, and specify for what purpose or purposes each such provision is being made;
- 10 (c) make an estimate of the total amounts (including the amounts already received) to be received into the fund during that financial year otherwise than by way of contributions from insurers and self-insurers under this section;
- 15 (d) determine the total amount to be contributed to the fund during that financial year by insurers and self-insurers under this section, after having regard to the amounts standing to the credit of the fund at the beginning of the year, including any amounts set aside in earlier years as provisions to meet expenditure in later years, and the amounts estimated to be received into the fund during the year otherwise than from insurers and self-insurers under this section; and
- 20 (e) specify in a document sealed with the seal of the Commission the estimates, provisions and amount to be contributed to the fund by insurers and self-insurers.
- 25
- 30 (5) Each insurer shall in the year which commenced on the first day of July, one thousand nine hundred and seventy, and in each subsequent financial year, contribute to the fund an amount of money that is equal to a percentage, determined by the Commission in accordance with this section, of the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the next preceding financial year while he was licensed under section twenty-seven of this Act in respect of insurance of employers pursuant
- 35

Workers' Compensation (Amendment).

pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid by the insurer during that financial year by way of reinsurance to any other insurer who at the time of such payment was licensed under section twenty-seven of this Act.

(6) Each employer who at any time during a financial year (including the year which commenced on the first day of July, one thousand nine hundred and sixty-nine) was a self-insurer shall in the next succeeding financial year contribute to the fund an amount of money that is equal to a percentage, determined by the Commission, of the total amount which he would, in the opinion of the Commission, have paid as premiums in respect of a policy of insurance or indemnity had he obtained such a policy from the Government Insurance Office of New South Wales and maintained that policy in force during the first-mentioned financial year or (if he was not a self-insurer during the whole of that financial year) that part thereof during which he was a self-insurer.

(7) The Commission may require an employer, in respect of a specified financial year or part thereof during which, or any part of which, the employer was a self-insurer—

(a) to furnish to the Commission within a specified time such particulars as to the workers employed by him and the wages paid to those workers as the Commission may specify;

(b) to make within a specified time such inquiry of the Government Insurance Office of New South Wales as the Commission may specify as to the rates of premium that would have been payable had the employer

held

Workers' Compensation (Amendment).

5 held a policy of insurance or indemnity,
issued by that office, in respect of his
workers and to furnish to the Commission,
within a specified time after information is
received by the employer in response to that
inquiry, the information so received,

10 and an employer who fails to comply with a
requirement of the Commission under this section
within the time specified by the Commission in
respect of that requirement shall be guilty of an
offence against this Act and liable to a penalty not
exceeding one thousand dollars.

15 (8) The Government Insurance Office of
New South Wales shall promptly furnish any infor-
mation sought by an employer from it for the
purpose of complying with a requirement of the
Commission under paragraph (b) of subsection
seven of this section.

20 (9) The percentage determined by the
Commission pursuant to subsections five and six of
this section—

25 (a) shall be such as, in the opinion of the
Commission, will be sufficient to yield the
total amount to be contributed to the fund
by insurers and employers during the then
current financial year as determined
pursuant to paragraph (d) of subsection
four of this section; and

30 (b) shall be the same percentage for all insurers,
and for all employers liable to contribute
as self-insurers.

35 (10) The amounts required by this section
to be contributed by insurers and employers shall
be paid by them to the Commission in such instal-
ments and at such times as are determined by the
Commission.

(11)

Workers' Compensation (Amendment).

5 (11) The Commission shall, by such means as it thinks proper, notify each insurer and employer required to make a contribution pursuant to this section of the contribution payable by him and of the amounts of the instalments and the times at which they are payable.

10 (12) Where an insurer or employer notified pursuant to subsection eleven of this section in respect of an instalment of contribution fails to pay that instalment by the time fixed by the Commission,—

15 (a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars for every day upon which that instalment has remained unpaid up to the date of conviction for the offence, and shall from time to time thereafter while that instalment remains unpaid be guilty of a further offence against this Act and
20 liable to the same penalty until the instalment is paid or recovered; and

25 (b) the full amount of the contribution, or of the balance then remaining unpaid, shall, if it is not already payable, immediately become payable and may be recovered as a debt by proceedings instituted by the Commission in any court of competent jurisdiction.

30 (13) In any proceedings against an insurer or employer for the recovery of a contribution or an instalment or part thereof under this section, or for any offence against this Act arising under subsection twelve of this section, a certificate purporting to be signed by the registrar of the
35 Commission as to—

(a) the amount of the contribution payable, pursuant to this section, by the insurer or employer

Workers' Compensation (Amendment).

employer and the amounts of the instalments by which, and the times at which, the Commission determined that contribution should be paid; and

- 5 (b) the notification of the insurer or employer pursuant to subsection eleven of this section,

shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the
10 facts stated in it, and of the due receipt of that notification by the insurer or employer.

- (b) (i) by omitting subsection one of section forty-^{Sec. 42.}
two and by inserting in lieu thereof the ^{(Returns by}
following subsection :—_{insurers.)}

15 (1) Every insurer shall, in the month of August in each year, or at such later time as the Commission may notify to the insurer, send to the Commission a return showing the
20 total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the year that ended on the next preceding thirtieth day of June while he was licensed under section
25 twenty-seven of this Act, in respect of insurance of employers pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any
30 such part of those premiums as was actually paid during that year by the insurer by way of reinsurance to any other insurer who at the time of that payment was licensed under section twenty-seven of this Act, together with
35 a statutory declaration by the insurer, or his manager, secretary or agent in this State that, to the best of his knowledge, information and belief, the return is a true return of that amount.

(ii)

Workers' Compensation (Amendment).

- 5 (ii) by omitting from subsection two of the same section the words "shall be liable to a penalty not exceeding ten dollars" and by inserting in lieu thereof the words "shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars".

- (2) As from the commencement of this section, references in any Act or any statutory or other instrument or document to the fund constituted by section forty-one of the
10 Principal Act shall be deemed to refer to the fund constituted by that section as substituted by this Act.

- (3) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and seventy.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER NEW SOUTH WALES—1970

[30c]

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 November, 1970.*

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

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

BE

27555 326—A

NOTE.—The words to be inserted are printed in **black letter**.

Workers' Compensation (Amendment).

5 **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, 1970". Short title,
commence-
ment and
construction.

10 (2) This Act, sections fifteen and eighteen excepted, shall commence upon a day (in this Act referred to as the appointed day) to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act, 1926, is referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
15, 1926.

15 (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "ten thousand dollars" and by inserting in lieu thereof the words "twelve thousand five hundred dollars"; Sec. 8.
(Compensa-
tion
payments
(Death).)

20 (ii) by omitting from paragraph (b) of the same subsection the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents";

25 (iii) by omitting from subsection three of the same section the words "two thousand eight hundred dollars" and by inserting in lieu thereof the words "three thousand five hundred dollars";

30 (iv) by omitting from subsection four of the same section the words "one hundred and twenty dollars" and by inserting in lieu thereof the words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection Sec. 9,
one of section nine the words "seventy-five per (Total or
centum" and by inserting in lieu thereof the partial
words "eighty per centum"; incapacity.)
- 5 (ii) by omitting from the same paragraph the
words "twenty-six dollars" and by inserting in
lieu thereof the words "thirty-two dollars fifty
cents";
- 10 (iii) by omitting from the same paragraph the
words "seventeen dollars fifty cents" and by
inserting in lieu thereof the words "twenty-two
dollars";
- 15 (iv) by omitting from subparagraph (i) of para-
graph (b) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 20 (v) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 25 (vi) by omitting from subparagraph (i) of para-
graph (c) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 30 (vii) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- (viii) by omitting from paragraph (a) of subsection
35 (1A) of the same section the figures "1967"
and by inserting in lieu thereof the figures
"1970";
- (ix) by omitting from the same paragraph the
words "or the State basic wage" and by
inserting in lieu thereof the words ", the State
basic wage or the wage basis";
- (x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- 5 (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- 10 (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;";
- 15 (xiii) by inserting at the end of the same paragraph the following new definition :—
- 20 "wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an
- 25 award that fixes rates of wages by reference or in relation to a basic wage.
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by
- 30 inserting in lieu thereof the words "twenty dollars";
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- 35 (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";

(xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- 5 (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by
10 inserting in lieu thereof the words "twenty-three dollars";
- (c) (i) by omitting from paragraph (c) of subsection Sec. 10.
three of section ten the words "three hundred (Medical
dollars" and by inserting in lieu thereof the and hospital
15 words "two thousand dollars"; treatment,
&c.)
- (ii) by omitting from paragraph (b) of subsection four of the same section the words "three
hundred dollars" and by inserting in lieu
thereof the words "two thousand dollars";
- 20 (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- 25 (d) by omitting from subsection one of section 10A the Sec. 10A.
words "fifty dollars" and by inserting in lieu (Damages to
thereof the words "one hundred dollars"; artificial
limbs, etc.)
- (e) by omitting from subsection one of section 10B the Sec. 10B.
words "fifty dollars" and by inserting in lieu (Damage to
thereof the words "one hundred dollars"; clothing.)
- 30 (f) (i) by omitting from paragraph (a) of subsection Sec. 16.
(1B) of section sixteen the words "five (Compensa-
hundred dollars" and by inserting in lieu tion for
thereof the words "six hundred and fifty certain
dollars"; injuries.)
- 35 (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";

(iii)

Workers' Compensation (Amendment).

- 5 (iii) by omitting from the same paragraph the words "a medical board in accordance with the provisions of this subsection" and by inserting in lieu thereof the words "the Commission: Provided that the compensation payable pursuant to this paragraph in respect of any substantial degree of loss of the sense of smell or of the sense of taste shall not be less than five hundred dollars";
- 10 (iv) by inserting in paragraph (b) of the same subsection after the words "compensation under" the words "paragraph (a) of";
- 15 (v) by omitting from paragraph (b) of the same subsection the word "questions" and by inserting in lieu thereof the word "question";
- (vi) by omitting from the same paragraph the words "or, as the case may require, whether any loss of the sense of smell or of the sense of taste";
- 20 (vii) by omitting from the same paragraph the word "decisions" and by inserting in lieu thereof the word "decision";
- (viii) by inserting at the end of the same subsection the following new paragraphs :—
- 25 (d) The Commission or the Registrar shall, on application by a person claiming to be entitled as a worker to compensation under paragraph (a1) of this subsection and on payment by the applicant of such fee, not exceeding two dollars, as may be prescribed by rules, refer to a medical board within the meaning of section fifty-one of this Act the
- 30 question whether any loss of the sense of smell or of the sense of taste exists, and if so whether the loss is total.
- 35 (e) A medical board to which a question is referred under paragraph (d) of this subsection shall report its findings on the question to the Commission and the applicant, and may include in its report such further information

Workers' Compensation (Amendment).

information and such expressions of opinion as, in its opinion, are or may be relevant to the assessment of compensation under paragraph (a1) of this subsection.

- 5 (ix) ~~(iii)~~ by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof	6,600
	Loss of lower part of either arm, either hand, or	
15	five fingers of either hand	5,600
	Loss of a leg or of the greater part thereof ..	6,000
	Loss of the lower part of a leg	5,200
	Loss of a foot	5,000
	Loss of sight of one eye, with serious diminution of	
20	the sight of the other	6,000
	*Loss of sight of one eye	3,500
	Loss of hearing of both ears	5,000
	†Loss of hearing of one ear	2,400
	‡Loss of power of speech	5,000
25	Loss of a thumb	2,400
	Loss of a forefinger	1,600
	Loss of a joint of a thumb	1,500
	Loss of little finger, middle finger or ring finger ..	850
	Loss of a toe or the joint of a finger	750
30	Loss of a joint of a toe	450
	Loss of a great toe	1,600
	Loss of joint of forefinger or of joint of great toe	850

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

- 35 † For the partial loss of hearing of one ear there shall be payable such percentage of the amount that would be payable for the total loss of the hearing thereof as is equal to the percentage of the diminution of hearing.

- 40 ‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

(g)

Workers' Compensation (Amendment).

- (g) by inserting in subsection five of section fifty-one **Sec. 51.**
after the word "shall" where secondly occurring the **(Medical**
words ", except in relation to a question referred **inspection.)**
to the board under paragraph (d) of subsection (1B)
of section sixteen of this Act,".

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and
10 institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments
15 by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of
20 subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section
25 sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
30 (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act,
35 as enacted immediately before that day.

Workers' Compensation (Amendment).

3. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";
- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- (c) by inserting next after the same paragraph the following new paragraph :—
- (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

Sec. 6.
(Defini-
tions.)

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection (2C) of section seven and by inserting in lieu thereof the following subsection :—
- (2C) (a) In this subsection "wages" means wages, salary, allowance, or other payment.
- (b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement or contract of employment to receive any wages for sick leave in respect of that period.

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

(c)

Workers' Compensation (Amendment).

5 (c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

10 (i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

15 (ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

20 (d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of
25 that period—

(i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

30 (ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

(e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

(i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

(ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

(f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

(b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

Sec. 10.
(Medical
and hospital
treatment,
&c.)

5

(1) Where as a result of an injury received by a worker—

10

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

(b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

15

his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition :—

20

"Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

25

- (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

30

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

(a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—
- 5 treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,
- but does not include ambulance service or hospital treatment.
- 10 (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any
- 15 rehabilitation centre conducted by a hospital,";
- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";
- (g) by inserting in the same definition after the words "by the hospital" the words ", at the hospital or
- 20 rehabilitation centre,";
- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in
- 25 obtaining any such treatment, but does not include ambulance service";
- (i) by inserting at the end of the same subsection the following new definition :—
- 30 "Treatment by way of rehabilitation" means—
- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- 5 (j) by inserting in paragraph (d) of subsection three
of the same section after the word "treatment" the
words "afforded by that hospital".

(2) The amendments made by subsection one of this
section shall apply to and in respect of injuries received
10 before the appointed day as well as to and in respect of
injuries received on or after that day.

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

Further
amendment
of Act No.
15, 1926.

- 15 (a) by inserting next after subparagraph (i) of para-
graph (d) of subsection one of section seven the
following new subparagraph :—
(ia) between the worker's place of abode or
place of employment and any other place,
where the journey is made for the purpose
of having, undergoing or obtaining any
20 consultation, examination or prescription
referred to in subsection three of section
10A of this Act;
- (b) by inserting at the end of subsection three of section
25 10A the words "and also to include the amount of
any wages lost by the worker by reason of his atten-
dance at any place for the purpose of having,
undergoing or obtaining any such consultation,
examination or prescription".

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

Sec. 10A.
(Damages to
artificial
limbs, etc.)

(2) The amendments made by subsection one of this
30 section shall apply to and in respect of journeys and atten-
dances on or after the appointed day, whether the damage
in connection with which the journeys were made or the
attendances took place was sustained before, on or after that
day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting
next after subsection (5A) of section sixteen the following
new subsection :—

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

5 (5B) (a) Subject to this subsection, in ascertaining, Sadler v. The
for the purposes of this section, the percentage of the Com-
diminution of hearing in respect of boilermaker's deaf- missioner for
ness, or any deafness of the like origin, of a worker who Railways
is over the prescribed age, it shall be conclusively (N.S.W.).
10 presumed that his loss of hearing is, to the extent of the
prescribed number of decibels for each complete year of
his age in excess of the prescribed age, to be attributed
to presbycusis.

(b) For the purposes of this subsection—

15 (i) the prescribed age is fifty years or, where some
other age is prescribed by regulations made
under this Act, the age so prescribed ;

20 (ii) the prescribed number of decibels is one half or,
where some other number is prescribed by
regulations made under this Act, the number so
prescribed.

25 (c) Regulations made under subparagraph (ii)
of paragraph (b) of this subsection may prescribe
different numbers of decibels in respect of different
methods of ascertaining the extent of diminution of hear-
ing, and any number thereby prescribed may be or
include a fraction.

(d) Nothing in this subsection applies in a case
of total loss of hearing of either ear.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,"; Sec. 18.
(Com-
pulsory
insurance.)
- 5 (b) by omitting from subsection (1A) of the same section the words "suspend or terminate any such license, or limit or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof" and by inserting in lieu thereof the words
- 10 "exercise, in relation to the license of that employer, the power specified in subsection one of section 29c of this Act";
- (c) by omitting paragraph (b) of subsection seven of the same section;
- 15 (d) by inserting at the end of the same section the following new subsection :—
- (9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who
- 20 fails to comply with subsection two of this section, shall be guilty of an offence against this Act.
- (e) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses"; Sec. 19.
(Com-
pulsory
reinsur-
ance.)
- 25

(ii)

Workers' Compensation (Amendment).

- (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- 5 (f) (i) by omitting from paragraph (k) of subsection Sec. 29. one of section twenty-nine the words "and the (Termination of licenses.) arrangement of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has";
- 10 (ii) by omitting from the same paragraph the words "he should not continue to hold a license" and by inserting in lieu thereof the words "the Commission should exercise its power under this subsection in relation to the
- 15 license";
- (iii) by omitting from the same subsection the words "suspend, or terminate, any license granted under section twenty-seven of this Act, or limit, or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof," and by inserting in lieu thereof the words "exercise, in relation to any license granted under section twenty-seven of this Act, the power specified in subsection one
- 20 of section 29C of this Act,";
- 25 (iv) by omitting from paragraph (a) of subsection three of the same section the words "on any ground specified in subsection one of this section or subsection seven of section 18C of this Act for the suspension or termination of a license or for limiting or varying the period of a license or attaching any conditions thereto or varying the conditions thereof" and
- 30

Workers' Compensation (Amendment).

by inserting in lieu thereof the words "for the exercise by the Commission of its power under subsection one of this section in relation to any license";

5 (v) by omitting from the same paragraph the words "his license should not be dealt with as aforesaid" and by inserting in lieu thereof the words "the Commission should not exercise that power in relation to the license";

10 (vi) by omitting from paragraph (b) of the same subsection the words "the license should be dealt with" and by inserting in lieu thereof the words "the Commission should exercise its power";

15 (vii) by omitting from paragraph (d) of the same subsection the words "dealing with a license as aforesaid" and by inserting in lieu thereof the words "under this section in relation to a license";

20 (g) by inserting next after section 29A the following new sections :—

New secs.
29B and
29C.

25 29B. The Commission may, at the request of a licensee, exercise in relation to his license the power specified in subsection one of section 29C of this Act.

Power of
Commis-
sion at
request of
licensee.

30 29C. (1) The power, referred to in subsection (1A) of section eighteen, subsection one of section twenty-nine, and section 29B of this Act, of the Commission in relation to a license is a power—

Power of
Commis-
sion in
relation to
termina-
tion, etc.,
of licenses.

(a) to suspend the license;

(b) to terminate the license;

(c)

Workers' Compensation (Amendment).

- (c) if the license was granted—
- (i) without limitation of time, to limit the period of the license;
 - (ii) for a period, to vary that period;
- 5 (d) if the license was granted—
- (i) without conditions, to attach conditions to it;
 - (ii) subject to conditions, to vary those conditions; or
- 10 (e) both—
- (i) to limit or vary the period of the license as mentioned in paragraph (c) of this subsection; and
 - (ii) to attach conditions to or vary the conditions of the license as mentioned in paragraph (d) of this subsection.
- 15
- (2) The power of the Commission, under any provisions of this Act, to vary the conditions of a license includes a power to omit any of those conditions and a power to attach new conditions to the license.
- 20
- (h) by omitting section 30;
- Sec. 30.
(Termination, etc., of licenses at request of licensees.)
- (i) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine".
- 25
- Sec. 30A.
(Insurance Premiums Committee.)
- (2) Paragraphs (b), (f), (g), (h) and (i) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand
- 30 nine hundred and sixty-four.

Workers' Compensation (Amendment).

9. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;";
- 10 (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

Further
amendment
of Act No.
15, 1926.
Sec. 60.
(Review.)

- 15 (3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—
- (a) the worker was over twenty-one years of age; and
- 20 (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,
- 25 the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

5 (a) by omitting subsection two of section seventy-one; Sec. 71.

(Transfer
of funds.)

(b) by inserting next after the same section the following new section :— New sec.
72.

10 72. Compensation is payable to a worker or his Residence.
dependants in accordance with the provisions of
this Act notwithstanding that he or they reside, or
at any time resided, outside New South Wales.

(2) Where the death of a worker results on or after
the appointed day from an injury received before that day,
and his dependants would by virtue of the amendments made
15 by subsection one of this section have been entitled to
compensation for his death if the injury had been received
on or after that day, the dependants shall be entitled to such
compensation as though the injury had been received on or
after that day.

20 12. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

(a) by inserting in the definition of "Bush fire
preventive operation" in subsection one of section
17B after the word "occur" the words "and, without
25 limiting the generality of the foregoing provisions
of this definition, includes the inspection of fire
breaks or other works, and the survey of areas for
the purpose of detecting fires or ascertaining the
need for precautions against outbreak of fire, where
30 the inspection or survey has been, or is to be, so
carried out for such a purpose";

Sec. 17B.
(Interpreta-
tion.)

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (c) of subsection two of section 17c the word "Act." and by inserting in lieu thereof the words—
 Act,
 5 together with such amount as the Commission may award in respect of the costs of the application. (Sec. 17c. (Compensation payable to fire fighters for injury received.)
- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of"; (Sec. 17D. (Indemnity for destruction of or damage to personal effects, vehicles, etc.)
- 10 (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";
- (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";
 15 "and loss of";
- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—
 20 (ii) no indemnity shall be payable in respect of any loss—
 (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or
 25 (b) resulting from reasonable wear and tear;
- (v) by inserting next after the same subsection the following new subsection :—
 30 (1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he
 35 shall

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

- 5 (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or
- 10 (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,
- 15 and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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. Subsisting policies.

Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended— Amendment of Act No. 14, 1942.

(a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases"; Sec. 1. (Short title.)

35 (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars"; Sec. 8. (Certificate of medical authority.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 5 (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- 30 (b) by omitting from paragraph (g) of clause (1) of the same paragraph the symbol and figures "\$140" and by inserting in lieu thereof the symbol and figures "\$300";
- 35

(c)

Workers' Compensation (Amendment).

- (c) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- 5 (d) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- (e) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".
- 10

(2) The amendments made by subsection one of this section shall be deemed to extend to, and, from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt 15 of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation thereunder after that commencement.

(3) This section shall commence upon a day to be appointed by the Governor for the purposes of this section 20 and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further amendment of Act No. 36, 1920.
Sec. 7A.
(Beneficiaries residing abroad.)

17. The Principal Act is further amended by inserting next after paragraph (f) of section thirty-eight the following 25 new paragraph :—

Further amendment of Act No. 15, 1926.

- (f1) pay from the fund such moneys as it thinks proper for or in connection with enabling persons to take or defend, or be a party to, proceedings before the Commission as poor persons;
- Sec. 38.
(Proceedings of Commission.)

18.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting section forty-one and by inserting in lieu thereof the following section :—

41. (1) In this section—

Sec. 41.
(Constitu-
tion of
fund.)

5 “Employer” includes a racing club or association.

“Financial year” means year commencing on the first day of July.

10 (2) There shall be a fund, in this Act called “the fund”, belonging to and vested in the Commission and consisting of—

(a) the amounts which immediately before the first day of July, one thousand nine hundred and seventy, stood to the credit of the fund constituted by this section as then enacted;

15 (b) the amounts contributed by insurers and self-insurers pursuant to this section; and

(c) all other amounts received by the Commission and not otherwise appropriated.

20 (3) There shall be paid from the fund, in addition to all moneys paid therefrom pursuant to any other provisions of this Act, all moneys required—

(a) for the salaries of the members of the Commission and its staff; and

25 (b) for carrying out the provisions of this Act where moneys are not otherwise provided for that purpose.

(4) The Commission shall, as early as is practicable in each financial year—

30 (a) make an estimate of the total of the amounts already paid and the amounts to be paid from the fund during that financial year;

(b)

Workers' Compensation (Amendment).

- 5 (b) determine what amounts, if any, shall be set aside as provision to meet expenditure from the fund in future years, and specify for what purpose or purposes each such provision is being made;
- 10 (c) make an estimate of the total amounts (including the amounts already received) to be received into the fund during that financial year otherwise than by way of contributions from insurers and self-insurers under this section;
- 15 (d) determine the total amount to be contributed to the fund during that financial year by insurers and self-insurers under this section, after having regard to the amounts standing to the credit of the fund at the beginning of the year, including any amounts set aside in earlier years as provisions to meet expenditure in later years, and the amounts estimated to be received into the fund during the year otherwise than from insurers and self-insurers under this section; and
- 20 (e) specify in a document sealed with the seal of the Commission the estimates, provisions and amount to be contributed to the fund by insurers and self-insurers.
- 25

30 (5) Each insurer shall in the year which commenced on the first day of July, one thousand nine hundred and seventy, and in each subsequent financial year, contribute to the fund an amount of money that is equal to a percentage, determined by the Commission in accordance with this section, of the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the next preceding financial year while he was licensed under section twenty-seven of this Act in respect of insurance of employers pursuant

35

Workers' Compensation (Amendment).

5 pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid by the insurer during that financial year by way of reinsurance to any other insurer who at the time of such payment was licensed under section twenty-seven of this Act.

10 (6) Each employer who at any time during a financial year (including the year which commenced on the first day of July, one thousand nine hundred and sixty-nine) was a self-insurer shall in the next succeeding financial year contribute to the fund an amount of money that is equal to a percentage, determined by the Commission, of the
15 total amount which he would, in the opinion of the Commission, have paid as premiums in respect of a policy of insurance or indemnity had he obtained such a policy from the Government Insurance Office of New South Wales and maintained that
20 policy in force during the first-mentioned financial year or (if he was not a self-insurer during the whole of that financial year) that part thereof during which he was a self-insurer.

25 (7) The Commission may require an employer, in respect of a specified financial year or part thereof during which, or any part of which, the employer was a self-insurer—

30 (a) to furnish to the Commission within a specified time such particulars as to the workers employed by him and the wages paid to those workers as the Commission may specify;

35 (b) to make within a specified time such inquiry of the Government Insurance Office of New South Wales as the Commission may specify as to the rates of premium that would have been payable had the employer

held

Workers' Compensation (Amendment).

5 held a policy of insurance or indemnity,
 issued by that office, in respect of his
 workers and to furnish to the Commission,
 within a specified time after information is
 received by the employer in response to that
 inquiry, the information so received,

10 and an employer who fails to comply with a
 requirement of the Commission under this section
 within the time specified by the Commission in
 respect of that requirement shall be guilty of an
 offence against this Act and liable to a penalty not
 exceeding one thousand dollars.

15 (8) The Government Insurance Office of
 New South Wales shall promptly furnish any infor-
 mation sought by an employer from it for the
 purpose of complying with a requirement of the
 Commission under paragraph (b) of subsection
 seven of this section.

20 (9) The percentage determined by the
 Commission pursuant to subsections five and six of
 this section—

25 (a) shall be such as, in the opinion of the
 Commission, will be sufficient to yield the
 total amount to be contributed to the fund
 by insurers and employers during the then
 current financial year as determined
 pursuant to paragraph (d) of subsection
 four of this section; and

30 (b) shall be the same percentage for all insurers,
 and for all employers liable to contribute
 as self-insurers.

35 (10) The amounts required by this section
 to be contributed by insurers and employers shall
 be paid by them to the Commission in such instal-
 ments and at such times as are determined by the
 Commission.

(11)

Workers' Compensation (Amendment).

5 (11) The Commission shall, by such means as it thinks proper, notify each insurer and employer required to make a contribution pursuant to this section of the contribution payable by him and of the amounts of the instalments and the times at which they are payable.

10 (12) Where an insurer or employer notified pursuant to subsection eleven of this section in respect of an instalment of contribution fails to pay that instalment by the time fixed by the Commission,—

15 (a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars for every day upon which that instalment has remained unpaid up to the date of conviction for the offence, and shall from time to time thereafter while that instalment remains unpaid be guilty of a further offence against this Act and
20 liable to the same penalty until the instalment is paid or recovered; and

25 (b) the full amount of the contribution, or of the balance then remaining unpaid, shall, if it is not already payable, immediately become payable and may be recovered as a debt by proceedings instituted by the Commission in any court of competent jurisdiction.

30 (13) In any proceedings against an insurer or employer for the recovery of a contribution or an instalment or part thereof under this section, or for any offence against this Act arising under subsection twelve of this section, a certificate purporting to be signed by the registrar of the
35 Commission as to—

(a) the amount of the contribution payable, pursuant to this section, by the insurer or employer

Workers' Compensation (Amendment).

employer and the amounts of the instalments by which, and the times at which, the Commission determined that contribution should be paid; and

- 5 (b) the notification of the insurer or employer pursuant to subsection eleven of this section, shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the
10 facts stated in it, and of the due receipt of that notification by the insurer or employer.

- (b) (i) by omitting subsection one of section forty- Sec. 42.
two and by inserting in lieu thereof the (Returns by
following subsection :— insurers.)

- 15 (1) Every insurer shall, in the month of August in each year, or at such later time as the Commission may notify to the insurer, send to the Commission a return showing the
20 total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the year that ended on the next preceding thirtieth day of June while he was licensed under section
25 twenty-seven of this Act, in respect of insurance of employers pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any
30 such part of those premiums as was actually paid during that year by the insurer by way of reinsurance to any other insurer who at the time of that payment was licensed under
35 section twenty-seven of this Act, together with a statutory declaration by the insurer, or his manager, secretary or agent in this State that, to the best of his knowledge, information and belief, the return is a true return of that amount.

(ii)

Workers' Compensation (Amendment).

- 5 (ii) by omitting from subsection two of the same section the words "shall be liable to a penalty not exceeding ten dollars" and by inserting in lieu thereof the words "shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars".

10 (2) As from the commencement of this section, references in any Act or any statutory or other instrument or document to the fund constituted by section forty-one of the Principal Act shall be deemed to refer to the fund constituted by that section as substituted by this Act.

(3) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and seventy.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

BE

Workers' Compensation (Amendment).

5 **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, 1970". Short title, commencement and construction.

10 (2) This Act, sections fifteen and eighteen excepted, shall commence upon a day (in this Act referred to as the appointed day) to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act, 1926, is referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment of Act No. 15, 1926.

- 15 (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "ten thousand dollars" and by inserting in lieu thereof the words "twelve thousand five hundred dollars"; Sec. 8. (Compensation payments (Death).)
- 20 (ii) by omitting from paragraph (b) of the same subsection the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents";
- 25 (iii) by omitting from subsection three of the same section the words "two thousand eight hundred dollars" and by inserting in lieu thereof the words "three thousand five hundred dollars";
- 30 (iv) by omitting from subsection four of the same section the words "one hundred and twenty dollars" and by inserting in lieu thereof the words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection Sec. 9.
one of section nine the words "seventy-five per (Total or
centum" and by inserting in lieu thereof the partial
words "eighty per centum"; incapacity.)
- 5 (ii) by omitting from the same paragraph the
words "twenty-six dollars" and by inserting in
lieu thereof the words "thirty-two dollars fifty
cents";
- 10 (iii) by omitting from the same paragraph the
words "seventeen dollars fifty cents" and by
inserting in lieu thereof the words "twenty-two
dollars";
- 15 (iv) by omitting from subparagraph (i) of para-
graph (b) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 20 (v) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- (vi) by omitting from subparagraph (i) of para-
graph (c) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 25 (vii) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 30 (viii) by omitting from paragraph (a) of subsection
(1A) of the same section the figures "1967"
and by inserting in lieu thereof the figures
"1970";
- 35 (ix) by omitting from the same paragraph the
words "or the State basic wage" and by
inserting in lieu thereof the words ", the State
basic wage or the wage basis";
- (x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- 5 (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- 10 (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;"
- 15 (xiii) by inserting at the end of the same paragraph the following new definition :—
- "wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- 20
- 25
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 30
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- 35 (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";
- (xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- 5 (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- 10 (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 15 (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 20 (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- 25 (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- 30 (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars";

(ii)

Sec. 10.
(Medical and hospital treatment, &c.)

Sec. 10A.
(Damages to artificial limbs, etc.)

Sec. 10B.
(Damage to clothing.)

Sec. 16.
(Compensation for certain injuries.)

Workers' Compensation (Amendment).

- 5 (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";
- (iii) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof	6,600
15	Loss of lower part of either arm, either hand, or five fingers of either hand	5,600
	Loss of a leg or of the greater part thereof ..	6,000
	Loss of the lower part of a leg	5,200
	Loss of a foot	5,000
20	Loss of sight of one eye, with serious diminution of the sight of the other	6,000
	*Loss of sight of one eye	3,500
	Loss of hearing of both ears	5,000
	†Loss of hearing of one ear	2,400
25	‡Loss of power of speech	5,000
	Loss of a thumb	2,400
	Loss of a forefinger	1,600
	Loss of a joint of a thumb	1,500
	Loss of little finger, middle finger or ring finger ..	850
30	Loss of a toe or the joint of a finger	750
	Loss of a joint of a toe	450
	Loss of a great toe	1,600
	Loss of joint of forefinger or of joint of great toe	850

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

† For the partial loss of hearing of one ear there shall be payable
 40 such percentage of the amount that would be payable for the total loss of the hearing thereof as is equal to the percentage of the diminution of hearing.

‡ For the partial loss of the power of speech there shall be payable
 45 such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

(2)

Workers' Compensation (Amendment).

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and
 5 institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments
 10 by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of
 15 subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section
 20 sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- 25 (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act,
 30 as enacted immediately before that day.

3. The Principal Act is further amended—

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words
 35 " , or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";

Further
 amendment
 of Act No.
 15, 1926.

Sec. 6.
 (Defini-
 tions.)

(b)

Workers' Compensation (Amendment).

(b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";

5 (c) by inserting next after the same paragraph the following new paragraph :—

10 (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;

(d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

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

15 (a) by omitting subsection (2c) of section seven and by inserting in lieu thereof the following subsection :—

Further amendment of Act No. 15, 1926.
Sec. 7.
(Liability of employers to workers for injuries.)

(2c) (a) In this subsection "wages" means wages, salary, allowance, or other payment.

20 (b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement
25 or contract of employment to receive any wages for sick leave in respect of that period.

(c)

Workers' Compensation (Amendment).

5 (c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

10 (i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

15 (ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

20 (d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of
25 that period—

(i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

30 (ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

(e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

(i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

(ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

(f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

(b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

Sec. 10.
(Medical
and hospital
treatment,
&c.)

(1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

(b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

(b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

"Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

(c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

(a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—
- 5 treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,
- but does not include ambulance service or hospital treatment.
- 10 (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any
- 15 rehabilitation centre conducted by a hospital,";
- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";
- (g) by inserting in the same definition after the words
- 20 "by the hospital" the words ", at the hospital or rehabilitation centre,";
- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in
- 25 obtaining any such treatment, but does not include ambulance service";
- (i) by inserting at the end of the same subsection the following new definition :—
- 30 "Treatment by way of rehabilitation" means—
- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- 5 (j) by inserting in paragraph (d) of subsection three
of the same section after the word "treatment" the
words "afforded by that hospital".

(2) The amendments made by subsection one of this
section shall apply to and in respect of injuries received
10 before the appointed day as well as to and in respect of
injuries received on or after that day.

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

Further
amendment
of Act No.
15, 1926.

- 15 (a) by inserting next after subparagraph (i) of para-
graph (d) of subsection one of section seven the
following new subparagraph :—

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

(ia) between the worker's place of abode or
place of employment and any other place,
where the journey is made for the purpose
of having, undergoing or obtaining any
consultation, examination or prescription
20 referred to in subsection three of section
10A of this Act;

- 25 (b) by inserting at the end of subsection three of section
10A the words "and also to include the amount of
any wages lost by the worker by reason of his atten-
dance at any place for the purpose of having,
undergoing or obtaining any such consultation,
examination or prescription".

Sec. 10A.
(Damages to
artificial
limbs, etc.)

(2) The amendments made by subsection one of this
section shall apply to and in respect of journeys and atten-
dances on or after the appointed day, whether the damage
in connection with which the journeys were made or the
attendances took place was sustained before, on or after that
day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting Further amendment
next after subsection (5A) of section sixteen the following of Act No.
new subsection :— 15, 1926.

Sec. 16.
(Compensation for
certain
injuries.)

5 (5B) (a) Subject to this subsection, in ascertaining, Sadler v. The
for the purposes of this section, the percentage of the Com-
diminution of hearing in respect of boilermaker's deaf- missioner for
ness, or any deafness of the like origin, of a worker who Railways
is over the prescribed age, it shall be conclusively (N.S.W.).
10 presumed that his loss of hearing is, to the extent of the
prescribed number of decibels for each complete year of
his age in excess of the prescribed age, to be attributed
to presbycusis.

(b) For the purposes of this subsection—

15 (i) the prescribed age is fifty years or, where some
other age is prescribed by regulations made
under this Act, the age so prescribed;

(ii) the prescribed number of decibels is one half or,
where some other number is prescribed by
regulations made under this Act, the number so
20 prescribed.

(c) Regulations made under subparagraph (ii)
of paragraph (b) of this subsection may prescribe
different numbers of decibels in respect of different
methods of ascertaining the extent of diminution of hear-
25 ing, and any number thereby prescribed may be or
include a fraction.

(d) Nothing in this subsection applies in a case
of total loss of hearing of either ear.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in subsection one of section eighteen Sec. 18.
after the word "indemnity" where firstly occurring (Com-
the words ", conforming to this section,"; pulsory
insurance.)
- 5 (b) by omitting from subsection (1A) of the same sec-
tion the words "suspend or terminate any such
license, or limit or vary the period thereof, or
attach any conditions thereto, or vary the conditions
thereof" and by inserting in lieu thereof the words
10 "exercise, in relation to the license of that employer,
the power specified in subsection one of section
29C of this Act";
- (c) by omitting paragraph (b) of subsection seven of
the same section;
- 15 (d) by inserting at the end of the same section the
following new subsection :—
- (9) An employer who fails to comply with
subsection one or seven, or paragraph (a) of
subsection eight, of this section and an insurer who
20 fails to comply with subsection two of this section,
shall be guilty of an offence against this Act.
- (e) (i) by omitting from subsection three of section Sec. 19.
nineteen the words "No licensed insurer shall, (Com-
except with the consent of the Commission, pulsory
25 refuse" and by inserting in lieu thereof the reinsur-
ance.)
words "A licensed insurer who, except with
the consent of the Commission, refuses";

(ii)

Workers' Compensation (Amendment).

- (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- 5 (f) (i) by omitting from paragraph (k) of subsection Sec. 29.
one of section twenty-nine the words "and the (Termin-
arrangement of his affairs have" and by insert- ation of
ing in lieu thereof the words "or the arrange- licenses.)
ment of his affairs, has";
- 10 (ii) by omitting from the same paragraph the
words "he should not continue to hold a
license" and by inserting in lieu thereof the
15 words "the Commission should exercise its
power under this subsection in relation to the
license";
- (iii) by omitting from the same subsection the
words "suspend, or terminate, any license
20 granted under section twenty-seven of this
Act, or limit, or vary the period thereof, or
attach any conditions thereto, or vary the
conditions thereof," and by inserting in lieu
thereof the words "exercise, in relation to any
license granted under section twenty-seven of
25 this Act, the power specified in subsection one
of section 29C of this Act,";
- (iv) by omitting from paragraph (a) of subsection
three of the same section the words "on any
ground specified in subsection one of this
30 section or subsection seven of section 18C of
this Act for the suspension or termination of
a license or for limiting or varying the period
of a license or attaching any conditions
thereto or varying the conditions thereof" and

by

Workers' Compensation (Amendment).

by inserting in lieu thereof the words "for the exercise by the Commission of its power under subsection one of this section in relation to any license";

- 5 (v) by omitting from the same paragraph the words "his license should not be dealt with as aforesaid" and by inserting in lieu thereof the words "the Commission should not exercise that power in relation to the license";
- 10 (vi) by omitting from paragraph (b) of the same subsection the words "the license should be dealt with" and by inserting in lieu thereof the words "the Commission should exercise its power";
- 15 (vii) by omitting from paragraph (d) of the same subsection the words "dealing with a license as aforesaid" and by inserting in lieu thereof the words "under this section in relation to a license";
- 20 (g) by inserting next after section 29A the following new sections :—
- New secs.
29B and
29C.
- 25 29B. The Commission may, at the request of a licensee, exercise in relation to his license the power specified in subsection one of section 29C of this Act.
- Power of
Commis-
sion at
request of
licensee.
- 29C. (1) The power, referred to in subsection (1A) of section eighteen, subsection one of section twenty-nine, and section 29B of this Act, of the Commission in relation to a license is a power—
- Power of
Commis-
sion in
relation to
termina-
tion, etc.,
of licenses.
- 30 (a) to suspend the license ;
- (b) to terminate the license ;

Workers' Compensation (Amendment).

- (c) if the license was granted—
- (i) without limitation of time, to limit the period of the license;
 - (ii) for a period, to vary that period;
- 5 (d) if the license was granted—
- (i) without conditions, to attach conditions to it;
 - (ii) subject to conditions, to vary those conditions; or
- 10 (e) both—
- (i) to limit or vary the period of the license as mentioned in paragraph (c) of this subsection; and
 - (ii) to attach conditions to or vary the
- 15 conditions of the license as mentioned in paragraph (d) of this subsection.
- (2) The power of the Commission, under any provisions of this Act, to vary the
- 20 conditions of a license includes a power to omit any of those conditions and a power to attach new conditions to the license.
- (h) by omitting section 30;
- Sec. 30.
(Termination, etc., of licenses at request of licensees.)
- (i) by omitting from paragraph (c) of subsection
- 25 (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine".
- Sec. 30A.
(Insurance Premiums Committee.)
- (2) Paragraphs (b), (f), (g), (h) and (i) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand
- 30 nine hundred and sixty-four.

Workers' Compensation (Amendment).

9. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings," and by inserting in lieu thereof the word "proceedings;";

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

- 10 (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

Further
amendment
of Act No.
15, 1926.
Sec. 60.
(Review.)

- 15 (3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

- (a) the worker was over twenty-one years of age; and
- 20 (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

- 25 the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further amendment of Act No. 15, 1926.

5 (a) by omitting subsection two of section seventy-one;

Sec. 71.
(Transfer of funds.)

(b) by inserting next after the same section the following new section :—

New sec. 72.

72. Compensation is payable to a worker or his dependants in accordance with the provisions of this Act notwithstanding that he or they reside, or at any time resided, outside New South Wales.

Residence.

(2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

12. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

(a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose";

Sec. 17B.
(Interpretation.)

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (c) of subsection two of section 17C the word "Act." and by inserting in lieu thereof the words—
Act,
5 together with such amount as the Commission may award in respect of the costs of the application.
- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of";
10 (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";
15 (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";
(iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—
20 (ii) no indemnity shall be payable in respect of any loss—
(a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or
25 (b) resulting from reasonable wear and tear;
(v) by inserting next after the same subsection the following new subsection :—
30 (1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the
35 time of the destruction, damage or loss, he shall'
- Sec. 17C. (Compensation payable to fire fighters for injury received.)
- Sec. 17D. (Indemnity for destruction of or damage to personal effects, vehicles, etc.)

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

5 (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or

10 (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,

15 and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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. Subsisting policies.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended— Amendment of Act No. 14, 1942.

(a) by omitting from subsection one of section one the word “Silicosis” and by inserting in lieu thereof the words “Dust Diseases”; Sec. 1. (Short title.)

30 (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words “three thousand dollars” and by inserting in lieu thereof the words “five thousand dollars”; Sec. 8. (Certificate of medical authority.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 5 (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- 30 (b) by omitting from paragraph (g) of clause (1) of the same paragraph the symbol and figures "\$140" and by inserting in lieu thereof the symbol and figures "\$300";
- 35

(c)

Workers' Compensation (Amendment).

- (c) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- 5 (d) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- (e) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures 10 "10.00".

(2) The amendments made by subsection one of this section shall be deemed to extend to, and, from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt 15 of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation thereunder after that commencement.

(3) This section shall commence upon a day to be appointed by the Governor for the purposes of this section 20 and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further amendment of Act No. 36, 1920.
Sec. 7A.
(Beneficiaries residing abroad.)

17. The Principal Act is further amended by inserting next after paragraph (f) of section thirty-eight the following 25 new paragraph :—

Further amendment of Act No. 15, 1926.

- (f1) pay from the fund such moneys as it thinks proper for or in connection with enabling persons to take or defend, or be a party to, proceedings before the Commission as poor persons;
- Sec. 38.
(Proceedings of Commission.)

18.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting section forty-one and by inserting in lieu thereof the following section :—

41. (1) In this section—

Sec. 41.
(Constitu-
tion of
fund.)

5 “Employer” includes a racing club or association.

“Financial year” means year commencing on the first day of July.

10 (2) There shall be a fund, in this Act called “the fund”, belonging to and vested in the Commission and consisting of—

(a) the amounts which immediately before the first day of July, one thousand nine hundred and seventy, stood to the credit of the fund constituted by this section as then enacted;

15 (b) the amounts contributed by insurers and self-insurers pursuant to this section; and

(c) all other amounts received by the Commission and not otherwise appropriated.

20 (3) There shall be paid from the fund, in addition to all moneys paid therefrom pursuant to any other provisions of this Act, all moneys required—

(a) for the salaries of the members of the Commission and its staff; and

25 (b) for carrying out the provisions of this Act where moneys are not otherwise provided for that purpose.

(4) The Commission shall, as early as is practicable in each financial year—

30 (a) make an estimate of the total of the amounts already paid and the amounts to be paid from the fund during that financial year;

(b)

Workers' Compensation (Amendment).

- 5 (b) determine what amounts, if any, shall be set aside as provision to meet expenditure from the fund in future years, and specify for what purpose or purposes each such provision is being made;
- 10 (c) make an estimate of the total amounts (including the amounts already received) to be received into the fund during that financial year otherwise than by way of contributions from insurers and self-insurers under this section;
- 15 (d) determine the total amount to be contributed to the fund during that financial year by insurers and self-insurers under this section, after having regard to the amounts standing to the credit of the fund at the beginning of the year, including any amounts set aside in earlier years as provisions to meet expenditure in later years, and the amounts estimated to be received into the fund during the year otherwise than from insurers and self-insurers under this section; and
- 20 (e) specify in a document sealed with the seal of the Commission the estimates, provisions and amount to be contributed to the fund by insurers and self-insurers.
- 25 (5) Each insurer shall in the year which commenced on the first day of July, one thousand nine hundred and seventy, and in each subsequent financial year, contribute to the fund an amount of money that is equal to a percentage, determined by the Commission in accordance with this section, of the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the next preceding financial year while he was licensed under section twenty-seven of this Act in respect of insurance of employers
- 30 pursuant
- 35

Workers' Compensation (Amendment).

pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid by the insurer during that financial year by way of reinsurance to any other insurer who at the time of such payment was licensed under section twenty-seven of this Act.

(6) Each employer who at any time during a financial year (including the year which commenced on the first day of July, one thousand nine hundred and sixty-nine) was a self-insurer shall in the next succeeding financial year contribute to the fund an amount of money that is equal to a percentage, determined by the Commission, of the total amount which he would, in the opinion of the Commission, have paid as premiums in respect of a policy of insurance or indemnity had he obtained such a policy from the Government Insurance Office of New South Wales and maintained that policy in force during the first-mentioned financial year or (if he was not a self-insurer during the whole of that financial year) that part thereof during which he was a self-insurer.

(7) The Commission may require an employer, in respect of a specified financial year or part thereof during which, or any part of which, the employer was a self-insurer—

(a) to furnish to the Commission within a specified time such particulars as to the workers employed by him and the wages paid to those workers as the Commission may specify;

(b) to make within a specified time such inquiry of the Government Insurance Office of New South Wales as the Commission may specify as to the rates of premium that would have been payable had the employer

held

Workers' Compensation (Amendment).

held a policy of insurance or indemnity,
issued by that office, in respect of his
workers and to furnish to the Commission,
within a specified time after information is
received by the employer in response to that
inquiry, the information so received,

and an employer who fails to comply with a
requirement of the Commission under this section
within the time specified by the Commission in
respect of that requirement shall be guilty of an
offence against this Act and liable to a penalty not
exceeding one thousand dollars.

(8) The Government Insurance Office of
New South Wales shall promptly furnish any infor-
mation sought by an employer from it for the
purpose of complying with a requirement of the
Commission under paragraph (b) of subsection
seven of this section.

(9) The percentage determined by the
Commission pursuant to subsections five and six of
this section—

(a) shall be such as, in the opinion of the
Commission, will be sufficient to yield the
total amount to be contributed to the fund
by insurers and employers during the then
current financial year as determined
pursuant to paragraph (d) of subsection
four of this section; and

(b) shall be the same percentage for all insurers,
and for all employers liable to contribute
as self-insurers.

(10) The amounts required by this section
to be contributed by insurers and employers shall
be paid by them to the Commission in such instal-
ments and at such times as are determined by the
Commission.

(11)

Workers' Compensation (Amendment).

5 (11) The Commission shall, by such means as it thinks proper, notify each insurer and employer required to make a contribution pursuant to this section of the contribution payable by him and of the amounts of the instalments and the times at which they are payable.

10 (12) Where an insurer or employer notified pursuant to subsection eleven of this section in respect of an instalment of contribution fails to pay that instalment by the time fixed by the Commission,—

15 (a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars for every day upon which that instalment has remained unpaid up to the date of conviction for the offence, and shall from time to time thereafter while that instalment remains unpaid be guilty of a further offence against this Act and
20 liable to the same penalty until the instalment is paid or recovered; and

25 (b) the full amount of the contribution, or of the balance then remaining unpaid, shall, if it is not already payable, immediately become payable and may be recovered as a debt by proceedings instituted by the Commission in any court of competent jurisdiction.

30 (13) In any proceedings against an insurer or employer for the recovery of a contribution or an instalment or part thereof under this section, or for any offence against this Act arising under subsection twelve of this section, a certificate purporting to be signed by the registrar of the
35 Commission as to—

(a) the amount of the contribution payable, pursuant to this section, by the insurer or employer

Workers' Compensation (Amendment).

employer and the amounts of the instalments by which, and the times at which, the Commission determined that contribution should be paid; and

- 5 (b) the notification of the insurer or employer pursuant to subsection eleven of this section,

shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the
10 facts stated in it, and of the due receipt of that notification by the insurer or employer.

- (b) (i) by omitting subsection one of section forty-
two and by inserting in lieu thereof the (Returns by
following subsection :—
insurers.)

15 (1) Every insurer shall, in the month of August in each year, or at such later time as the Commission may notify to the insurer, send to the Commission a return showing the
20 total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the year that ended on the next preceding thirtieth day of June while he was licensed under section
25 twenty-seven of this Act, in respect of insurance of employers pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any
such part of those premiums as was actually paid during that year by the insurer by way
30 of reinsurance to any other insurer who at the time of that payment was licensed under section twenty-seven of this Act, together with a statutory declaration by the insurer, or his manager, secretary or agent in this State that,
35 to the best of his knowledge, information and belief, the return is a true return of that amount.

(ii)

Workers' Compensation (Amendment).

5 (ii) by omitting from subsection two of the same section the words "shall be liable to a penalty not exceeding ten dollars" and by inserting in lieu thereof the words "shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars".

(2) As from the commencement of this section, references in any Act or any statutory or other instrument or document to the fund constituted by section forty-one of the
10 Principal Act shall be deemed to refer to the fund constituted by that section as substituted by this Act.

(3) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and seventy.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER NEW SOUTH WALES—1970

[30c]

Section 10 (Continued)

10. The following provisions shall apply to the same:

(a) The following provisions shall apply to the same:

(b) The following provisions shall apply to the same:

(c) The following provisions shall apply to the same:

(d) The following provisions shall apply to the same:

(e) The following provisions shall apply to the same:

(f) The following provisions shall apply to the same:

(g) The following provisions shall apply to the same:

(h) The following provisions shall apply to the same:

No. , 1970.

A BILL

To increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

[Mr WILLIS—15 September, 1970.]

BE

Workers' Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1970". Short title,
commence-
ment and
construction.

(2) This Act, section fifteen excepted, shall commence
upon a day (in this Act referred to as the appointed day) to
10 be appointed by the Governor and notified by proclamation
published in the Gazette.

(3) In this Act the Workers' Compensation Act,
1926, is referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
15, 1926.

- 15 (a) (i) by omitting from paragraph (a) of subsection Sec. 8.
one of section eight the words "ten thousand (Compensa-
dollars" and by inserting in lieu thereof the tion
words "twelve thousand five hundred dollars"; payments
(Death).)
- 20 (ii) by omitting from paragraph (b) of the same
subsection the words "five dollars" and by
inserting in lieu thereof the words "six
dollars twenty-five cents";
- 25 (iii) by omitting from subsection three of the
same section the words "two thousand eight
hundred dollars" and by inserting in lieu
thereof the words "three thousand five hundred
dollars";
- 30 (iv) by omitting from subsection four of the same
section the words "one hundred and twenty
dollars" and by inserting in lieu thereof the
words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection Sec. 9.
one of section nine the words "seventy-five per (Total or
centum" and by inserting in lieu thereof the partial
words "eighty per centum"; incapacity.)
- 5 (ii) by omitting from the same paragraph the
words "twenty-six dollars" and by inserting in
lieu thereof the words "thirty-two dollars fifty
cents";
- 10 (iii) by omitting from the same paragraph the
words "seventeen dollars fifty cents" and by
inserting in lieu thereof the words "twenty-two
dollars";
- 15 (iv) by omitting from subparagraph (i) of para-
graph (b) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 20 (v) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 25 (vi) by omitting from subparagraph (i) of para-
graph (c) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 30 (vii) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 35 (viii) by omitting from paragraph (a) of subsection
(1A) of the same section the figures "1967"
and by inserting in lieu thereof the figures
"1970";
- (ix) by omitting from the same paragraph the
words "or the State basic wage" and by
inserting in lieu thereof the words ", the State
basic wage or the wage basis";

(x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- 5 (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- 10 (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;"
- 15 (xiii) by inserting at the end of the same paragraph the following new definition :—
- "wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- 20
- 25
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 30
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- 35
- (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";

(xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- 5 (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- 10
- (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 15 Sec. 10.
(Medical and hospital treatment, &c.)
- (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 20 (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- 25 Sec. 10A.
(Damages to artificial limbs, etc.)
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- Sec. 10B.
(Damage to clothing.)
- 30 (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars";
- Sec. 16.
(Compensation for certain injuries.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";
- (iii) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof	6,600
15	Loss of lower part of either arm, either hand, or five fingers of either hand	5,600
	Loss of a leg or of the greater part thereof ..	6,000
	Loss of the lower part of a leg	5,200
	Loss of a foot	5,000
20	Loss of sight of one eye, with serious diminution of the sight of the other	6,000
	*Loss of sight of one eye	3,500
	Loss of hearing of both ears	5,000
	†Loss of hearing of one ear	2,400
25	‡Loss of power of speech	5,000
	Loss of a thumb	2,400
	Loss of a forefinger	1,600
	Loss of a joint of a thumb	1,500
	Loss of little finger, middle finger or ring finger ..	850
30	Loss of a toe or the joint of a finger	750
	Loss of a joint of a toe	450
	Loss of a great toe	1,600
	Loss of joint of forefinger or of joint of great toe	850

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

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

‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

Workers' Compensation (Amendment).

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act, as enacted immediately before that day.

3. The Principal Act is further amended—

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";

Further amendment of Act No. 15, 1926.

Sec. 6. (Definitions.)

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- 5 (c) by inserting next after the same paragraph the following new paragraph :—
- 10 (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

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

- 15 (a) by omitting subsection (2c) of section seven and by inserting in lieu thereof the following subsection :—

Further amendment of Act No. 15, 1926.
Sec. 7.
(Liability of employers to workers for injuries.)

(2c) (a) In this subsection "wages" means wages, salary, allowance, or other payment.

- 20 (b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement or contract of employment to receive any wages for
- 25 sick leave in respect of that period.

(c)

Workers' Compensation (Amendment).

(c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

(i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

(ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

(d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of that period—

(i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

(ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

5 (e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

10 (i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

15 (ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

20 (f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him
25 in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

30 (b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

(3)

5.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

Sec. 10.
(Medical
and hospital
treatment,
&c.)

(1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

(b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

"Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

- (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

(a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—
- 5 treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,
- but does not include ambulance service or hospital treatment.
- 10 (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any
- 15 rehabilitation centre conducted by a hospital,";
- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";
- (g) by inserting in the same definition after the words
- 20 "by the hospital" the words ", at the hospital or rehabilitation centre,";
- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in
- 25 obtaining any such treatment, but does not include ambulance service";
- (i) by inserting at the end of the same subsection the following new definition :—
- 30 "Treatment by way of rehabilitation" means—
- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- 5 (j) by inserting in paragraph (d) of subsection three
of the same section after the word "treatment" the
words "afforded by that hospital".

(2) The amendments made by subsection one of this
section shall apply to and in respect of injuries received
10 before the appointed day as well as to and in respect of
injuries received on or after that day.

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

Further
amendment
of Act No.
15, 1926.

- 15 (a) by inserting next after subparagraph (i) of para-
graph (d) of subsection one of section seven the
following new subparagraph :—
(ia) between the worker's place of abode or
place of employment and any other place,
where the journey is made for the purpose
of having, undergoing or obtaining any
20 consultation, examination or prescription
referred to in subsection three of section
10A of this Act;
- (b) by inserting at the end of subsection three of section
25 10A the words "and also to include the amount of
any wages lost by the worker by reason of his atten-
dance at any place for the purpose of having,
undergoing or obtaining any such consultation,
examination or prescription".

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

Sec. 10A.
(Damages to
artificial
limbs, etc.)

(2) The amendments made by subsection one of this
30 section shall apply to and in respect of journeys and atten-
dances on or after the appointed day, whether the damage
in connection with which the journeys were made or the
attendances took place was sustained before, on or after that
day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting
next after subsection (5A) of section sixteen the following
new subsection :—

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

5 (5B) (a) Subject to this subsection, in ascertaining, Sadler v. The
for the purposes of this section, the percentage of the Com-
diminution of hearing in respect of boilermaker's deaf- missioner for
ness, or any deafness of the like origin, of a worker who Railways
is over the prescribed age, it shall be conclusively (N.S.W.).
presumed that his loss of hearing is, to the extent of the
10 prescribed number of decibels for each complete year of
his age in excess of the prescribed age, to be attributed
to presbycusis.

(b) For the purposes of this subsection—

15 (i) the prescribed age is fifty years or, where some
other age is prescribed by regulations made
under this Act, the age so prescribed;

20 (ii) the prescribed number of decibels is one half or,
where some other number is prescribed by
regulations made under this Act, the number so
prescribed.

25 (c) Regulations made under subparagraph (ii)
of paragraph (b) of this subsection may prescribe
different numbers of decibels in respect of different
methods of ascertaining the extent of diminution of hear-
ing, and any number thereby prescribed may be or
include a fraction.

(d) Nothing in this subsection applies in a case
of total loss of hearing of either ear.

8.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,"; Sec. 18.
(Com-
pulsory
insurance.)
- 5 (b) by omitting paragraph (b) of subsection seven of the same section;
- (c) by inserting at the end of the same section the following new subsection :—
- 10 (9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who fails to comply with subsection two of this section, shall be guilty of an offence against this Act.
- 15 (d) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses"; Sec. 19.
(Com-
pulsory
reinsur-
ance.)
- 20 (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- 25 (e) by omitting from paragraph (k) of subsection one of section twenty-nine the words "and the arrange-ment of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has"; Sec. 29.
(Termin-
ation of
licenses.)
- 30 (f) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine". Sec. 30A.
(Insurance
Premiums
Committee.)

(2)

Workers' Compensation (Amendment).

(2) Paragraph (f) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand nine hundred and sixty-four.

9. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 5 (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;";
- 10 (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

15 10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

Further
amendment
of Act No.
15, 1926.

- 20 (3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

Sec. 60.
(Review.)

- (a) the worker was over twenty-one years of age; and
- 25 (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

30 the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

5 (a) by omitting subsection two of section seventy-one;

Sec. 71.
(Transfer
of funds.)

(b) by inserting next after the same section the following new section :—

New sec.
72.

10 72. Compensation is payable to a worker or his dependants in accordance with the provisions of this Act notwithstanding that he or they reside, or at any time resided, outside New South Wales.

Residence.

(2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

20 **12. The Principal Act is further amended—**

Further
amendment
of Act No.
15, 1926.

25 (a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose";

Sec. 17B.
(Interpreta-
tion.)

30

326—B

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (c) of subsection two of section 17C the word "Act." and by inserting in lieu thereof the words—

Act,

- 5 together with such amount as the Commission may award in respect of the costs of the application.

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

- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of";

- 10 (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";

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

- 15 (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";

- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—

- 20 (ii) no indemnity shall be payable in respect of any loss—

- (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or

- 25 (b) resulting from reasonable wear and tear;

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

- 35 (1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he shall

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

- 5 (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or
- 10 (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,

15 and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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.

Subsisting policies.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended—

Amendment of Act No. 14, 1942.

- (a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases";
- 30 (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars";

Sec. 1. (Short title.)

Sec. 8. (Certificate of medical authority.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 5 (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- 30 (b) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- 35

(c)

Workers' Compensation (Amendment).

- (c) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- 5 (d) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".

(2) The amendments made by subsection one of this section shall be deemed to extend to, and, from the commencement of this section, apply in respect of all persons
 10 who were immediately before that commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation thereunder after that commencement.

(3) This section shall commence upon a day to be
 15 appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further
amendment
of Act No.
36, 1920.
Sec. 7A.
(Benefici-
aries resid-
ing abroad.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970
 [20c]

WORKERS' COMPENSATION (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase the rates of compensation payable under the Principal Act, the Workers' Compensation (Dust Diseases) Act, 1942–1967, and the Workers' Compensation (Broken Hill) Act, 1920;
- (b) to include among the class of persons eligible for benefits under the Principal Act entertainers performing in clubs registered under Part X of the Liquor Act, 1912, or Part IIIA of the Gaming and Betting Act, 1912;
- (c) to enable compensation to be recovered, subject to certain conditions, in respect of a period for which sick pay has been received;
- (d) to authorise, in calculating the degree of loss of hearing in cases of boiler-maker's deafness, the making of an allowance for such part of the loss as is attributable to increasing age;
- (e) to include, among the benefits to which a person is entitled under the Principal Act, compensation for the cost of certain physical rehabilitation services;
- (f) to remove from the Principal Act the means test restricting the class of persons in respect of whom the Commission may make rules for the taking and defending of actions by poor persons;
- (g) where an adult worker is injured, to enable his compensation to be reviewed from time to time in the light of what he would have been receiving, had he not been injured, under a wage or salary scale providing for increases related to age or experience;
- (h) to enable dependants of a worker killed or injured in New South Wales to claim compensation notwithstanding that they reside in a foreign country that does not have legislation corresponding to the Principal Act;
- (i) to make further provisions with respect to compensation under the provisions of the Principal Act relating to bush fires;
- (j) to make provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1970.

A BILL

To increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

[Mr WILLIS—15 *September*, 1970.]

BE

Workers' Compensation (Amendment).

5 **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, 1970". Short title, commencement and construction.

10 (2) This Act, section fifteen excepted, shall commence upon a day (in this Act referred to as the appointed day) to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act, 1926, is referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment of Act No. 15, 1926.

- 15 (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "ten thousand dollars" and by inserting in lieu thereof the words "twelve thousand five hundred dollars"; Sec. 8. (Compensation payments (Death).)
- 20 (ii) by omitting from paragraph (b) of the same subsection the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents";
- 25 (iii) by omitting from subsection three of the same section the words "two thousand eight hundred dollars" and by inserting in lieu thereof the words "three thousand five hundred dollars";
- 30 (iv) by omitting from subsection four of the same section the words "one hundred and twenty dollars" and by inserting in lieu thereof the words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection Sec. 9.
one of section nine the words "seventy-five per (Total or
centum" and by inserting in lieu thereof the partial
words "eighty per centum"; incapacity.)
- 5 (ii) by omitting from the same paragraph the
words "twenty-six dollars" and by inserting in
lieu thereof the words "thirty-two dollars fifty
cents";
- 10 (iii) by omitting from the same paragraph the
words "seventeen dollars fifty cents" and by
inserting in lieu thereof the words "twenty-two
dollars";
- 15 (iv) by omitting from subparagraph (i) of para-
graph (b) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 20 (v) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- (vi) by omitting from subparagraph (i) of para-
graph (c) of the same subsection the words
"seven dollars" and by inserting in lieu thereof
the words "nine dollars";
- 25 (vii) by omitting from subparagraph (ii) of the
same paragraph the words "three dollars" and
by inserting in lieu thereof the words "four
dollars";
- 30 (viii) by omitting from paragraph (a) of subsection
(1A) of the same section the figures "1967"
and by inserting in lieu thereof the figures
"1970";
- 35 (ix) by omitting from the same paragraph the
words "or the State basic wage" and by
inserting in lieu thereof the words "the State
basic wage or the wage basis";

(x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- 5 (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- 10 (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;";
- 15 (xiii) by inserting at the end of the same paragraph the following new definition :—

"wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- 20
- 25
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 30
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- 35
- (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";
- (xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- 5 (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- 10 (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 15 (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 20 (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- 25 (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- 30 (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars";

Sec. 10.
(Medical
and hospital
treatment,
&c.)

Sec. 10A.
(Damages to
artificial
limbs, etc.)

Sec. 10B.
(Damage to
clothing.)

Sec. 16.
(Compensa-
tion for
certain
injuries.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";
- (iii) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof	6,600
15	Loss of lower part of either arm, either hand, or five fingers of either hand	5,600
	Loss of a leg or of the greater part thereof ..	6,000
	Loss of the lower part of a leg	5,200
	Loss of a foot	5,000
20	Loss of sight of one eye, with serious diminution of the sight of the other	6,000
	*Loss of sight of one eye	3,500
	Loss of hearing of both ears	5,000
	†Loss of hearing of one ear	2,400
25	‡Loss of power of speech	5,000
	Loss of a thumb	2,400
	Loss of a forefinger	1,600
	Loss of a joint of a thumb	1,500
	Loss of little finger, middle finger or ring finger ..	850
30	Loss of a toe or the joint of a finger	750
	Loss of a joint of a toe	450
	Loss of a great toe	1,600
	Loss of joint of forefinger or of joint of great toe	850

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

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

‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

Workers' Compensation (Amendment).

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act, as enacted immediately before that day.

3. The Principal Act is further amended—

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";

Further amendment of Act No. 15, 1926.

Sec. 6. (Definitions.)

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- 5 (c) by inserting next after the same paragraph the following new paragraph :—
- 10 (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

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

- 15 (a) by omitting subsection (2C) of section seven and by inserting in lieu thereof the following subsection :—

Further amendment of Act No. 15, 1926.

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

(2C) (a) In this subsection "wages" means wages, salary, allowance, or other payment.

- 20 (b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement
- 25 or contract of employment to receive any wages for sick leave in respect of that period.

(c)

Workers' Compensation (Amendment).

5 (c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

10 (i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

15 (ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

20 (d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of
25 that period—

(i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

30 (ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

(e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

(i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

(ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

(f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

(b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

Sec. 10.
(Medical
and hospital
treatment,
&c.)

5 (1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

10 (b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

15 his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

20 "Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

- 25 (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

30 (a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—
- 5 treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,
- but does not include ambulance service or hospital treatment.
- 10 (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any
- 15 rehabilitation centre conducted by a hospital,";
- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";
- (g) by inserting in the same definition after the words
- 20 "by the hospital" the words " , at the hospital or rehabilitation centre,";
- (h) by inserting in the same definition after the word "service" the words " , and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in
- 25 obtaining any such treatment, but does not include ambulance service";
- (i) by inserting at the end of the same subsection the following new definition :—
- 30 "Treatment by way of rehabilitation" means—
- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- 5 (j) by inserting in paragraph (d) of subsection three
of the same section after the word "treatment" the
words "afforded by that hospital".

(2) The amendments made by subsection one of this
section shall apply to and in respect of injuries received
10 before the appointed day as well as to and in respect of
injuries received on or after that day.

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

Further
amendment
of Act No.
15, 1926.

- 15 (a) by inserting next after subparagraph (i) of para-
graph (d) of subsection one of section seven the
following new subparagraph :—

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

- (ia) between the worker's place of abode or
place of employment and any other place,
where the journey is made for the purpose
of having, undergoing or obtaining any
consultation, examination or prescription
referred to in subsection three of section
10A of this Act;

- 20 (b) by inserting at the end of subsection three of section
10A the words "and also to include the amount of
any wages lost by the worker by reason of his atten-
25 dance at any place for the purpose of having,
undergoing or obtaining any such consultation,
examination or prescription".

Sec. 10A.
(Damages to
artificial
limbs, etc.)

(2) The amendments made by subsection one of this
30 section shall apply to and in respect of journeys and atten-
dances on or after the appointed day, whether the damage
in connection with which the journeys were made or the
attendances took place was sustained before, on or after that
day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting
next after subsection (5A) of section sixteen the following
new subsection :—

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

5 (5B) (a) Subject to this subsection, in ascertaining,
for the purposes of this section, the percentage of the
diminution of hearing in respect of boilermaker's deaf-
ness, or any deafness of the like origin, of a worker who
is over the prescribed age, it shall be conclusively
presumed that his loss of hearing is, to the extent of the
10 prescribed number of decibels for each complete year of
his age in excess of the prescribed age, to be attributed
to presbycusis.

Sadler v. The
Com-
missioner for
Railways
(N.S.W.).

(b) For the purposes of this subsection—

15 (i) the prescribed age is fifty years or, where some
other age is prescribed by regulations made
under this Act, the age so prescribed;

(ii) the prescribed number of decibels is one half or,
where some other number is prescribed by
regulations made under this Act, the number so
20 prescribed.

(c) Regulations made under subparagraph (ii)
of paragraph (b) of this subsection may prescribe
different numbers of decibels in respect of different
methods of ascertaining the extent of diminution of hear-
ing, and any number thereby prescribed may be or
25 include a fraction.

(d) Nothing in this subsection applies in a case
of total loss of hearing of either ear.

Workers' Compensation (Amendment).

8. (1) The Principal Act is further amended—
- Further amendment of Act No. 15, 1926.
- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,"; Sec. 18. (Compulsory insurance.)
- 5 (b) by omitting paragraph (b) of subsection seven of the same section;
- (c) by inserting at the end of the same section the following new subsection :—
- 10 (9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who fails to comply with subsection two of this section, shall be guilty of an offence against this Act.
- 15 (d) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses"; Sec. 19. (Compulsory reinsurance.)
- 20 (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- 25 (e) by omitting from paragraph (k) of subsection one of section twenty-nine the words "and the arrangement of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has"; Sec. 29. (Termination of licenses.)
- 30 (f) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine". Sec. 30A. (Insurance Premiums Committee.)

Workers' Compensation (Amendment).

(2) Paragraph (f) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand nine hundred and sixty-four.

9. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

- 5 (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;";
- 10 (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

Sec. 38. (Proceedings of Commission.)

15 10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

Further amendment of Act No. 15, 1926.

- 20 (3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

Sec. 60. (Review.)

- (a) the worker was over twenty-one years of age; and
- 25 (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

30 the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

- 5 (a) by omitting subsection two of section seventy-one; Sec. 71.
(Transfer
of funds.)

- (b) by inserting next after the same section the following new section :— New sec.
72.

- 10 72. Compensation is payable to a worker or his dependants in accordance with the provisions of this Act notwithstanding that he or they reside, or at any time resided, outside New South Wales. Residence.

- 15 (2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

20 **12.** The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- 25 (a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose";

30 326—B

(b)

Workers' Compensation (Amendment).

- (b) by omitting from paragraph (c) of subsection two of section 17C the word "Act." and by inserting in lieu thereof the words—
- Act,
- together with such amount as the Commission may award in respect of the costs of the application.
- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of";
- (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";
- (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";
- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—
- (ii) no indemnity shall be payable in respect of any loss—
- (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or
- (b) resulting from reasonable wear and tear;
- (v) by inserting next after the same subsection the following new subsection :—
- (1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he shall

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

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

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

5 (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or

10 (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,

15 and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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. Subsisting policies.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended— Amendment of Act No. 14, 1942.

(a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases"; Sec. 1. (Short title.)

30 (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars"; Sec. 8. (Certificate of medical authority.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- 5 (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- 30 (b) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- 35

(c)

Workers' Compensation (Amendment).

- (c) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- 5 (d) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".

(2) The amendments made by subsection one of this section shall be deemed to extend to, and, from the commencement of this section, apply in respect of all persons
10 who were immediately before that commencement in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation thereunder after that commencement.

(3) This section shall commence upon a day to be
15 appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further amendment of Act No. 36, 1920. Sec. 7A. (Beneficiaries residing abroad.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 67, 1970.

An Act to increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith. [Assented to, 24th November, 1970.]

BE

Workers' Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,
commence-
ment and
construction.

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1970".

(2) This Act, sections fifteen and eighteen excepted, shall commence upon a day (in this Act referred to as the appointed day) to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act, 1926, is referred to as the Principal Act.

Amendment
of Act No.
15, 1926.

2. (1) The Principal Act is amended—

Sec. 8.
(Compensa-
tion
payments
(Death).)

- (a) (i) by omitting from paragraph (a) of subsection one of section eight the words "ten thousand dollars" and by inserting in lieu thereof the words "twelve thousand five hundred dollars";
- (ii) by omitting from paragraph (b) of the same subsection the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents";
- (iii) by omitting from subsection three of the same section the words "two thousand eight hundred dollars" and by inserting in lieu thereof the words "three thousand five hundred dollars";
- (iv) by omitting from subsection four of the same section the words "one hundred and twenty dollars" and by inserting in lieu thereof the words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection one of section nine the words "seventy-five per centum" and by inserting in lieu thereof the words "eighty per centum"; Sec. 9.
(Total or
partial
incapacity.)
- (ii) by omitting from the same paragraph the words "twenty-six dollars" and by inserting in lieu thereof the words "thirty-two dollars fifty cents";
- (iii) by omitting from the same paragraph the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-two dollars";
- (iv) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "seven dollars" and by inserting in lieu thereof the words "nine dollars";
- (v) by omitting from subparagraph (ii) of the same paragraph the words "three dollars" and by inserting in lieu thereof the words "four dollars";
- (vi) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "seven dollars" and by inserting in lieu thereof the words "nine dollars";
- (vii) by omitting from subparagraph (ii) of the same paragraph the words "three dollars" and by inserting in lieu thereof the words "four dollars";
- (viii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1967" and by inserting in lieu thereof the figures "1970";
- (ix) by omitting from the same paragraph the words "or the State basic wage" and by inserting in lieu thereof the words "the State basic wage or the wage basis";

(x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;";
- (xiii) by inserting at the end of the same paragraph the following new definition :—

"wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";

(xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; Sec. 10.
(Medical and hospital treatment, &c.)
- (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars"; Sec. 10A.
(Damages to artificial limbs, etc.)
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars"; Sec. 10B.
(Damage to clothing.)
- (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars"; Sec. 16.
(Compensation for certain injuries.)
- (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";

(iii)

Workers' Compensation (Amendment).

- (iii) by omitting from the same paragraph the words "a medical board in accordance with the provisions of this subsection" and by inserting in lieu thereof the words "the Commission: Provided that the compensation payable pursuant to this paragraph in respect of any substantial degree of loss of the sense of smell or of the sense of taste shall not be less than five hundred dollars";
- (iv) by inserting in paragraph (b) of the same subsection after the words "compensation under" the words "paragraph (a) of";
- (v) by omitting from paragraph (b) of the same subsection the word "questions" and by inserting in lieu thereof the word "question";
- (vi) by omitting from the same paragraph the words "or, as the case may require, whether any loss of the sense of smell or of the sense of taste";
- (vii) by omitting from the same paragraph the word "decisions" and by inserting in lieu thereof the word "decision";
- (viii) by inserting at the end of the same subsection the following new paragraphs :—
 - (d) The Commission or the Registrar shall, on application by a person claiming to be entitled as a worker to compensation under paragraph (a1) of this subsection and on payment by the applicant of such fee, not exceeding two dollars, as may be prescribed by rules, refer to a medical board within the meaning of section fifty-one of this Act the question whether any loss of the sense of smell or of the sense of taste exists, and if so whether the loss is total.

(e) A medical board to which a question is referred under paragraph (d) of this subsection shall report its findings on the question
to

Workers' Compensation (Amendment).

to the Commission and the applicant, and may include in its report such further information and such expressions of opinion as, in its opinion, are or may be relevant to the assessment of compensation under paragraph (a1) of this subsection;

- (ix) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

Nature of Injury.	Amount payable.
	\$
Loss of either arm, or of the greater part thereof	6,600
Loss of lower part of either arm, either hand, or five fingers of either hand	5,600
Loss of a leg or of the greater part thereof ..	6,000
Loss of the lower part of a leg	5,200
Loss of a foot	5,000
Loss of sight of one eye, with serious diminution of the sight of the other	6,000
*Loss of sight of one eye	3,500
Loss of hearing of both ears	5,000
†Loss of hearing of one ear	2,400
‡Loss of power of speech	5,000
Loss of a thumb	2,400
Loss of a forefinger	1,600
Loss of a joint of a thumb	1,500
Loss of little finger, middle finger or ring finger ..	850
Loss of a toe or the joint of a finger	750
Loss of a joint of a toe	450
Loss of a great toe	1,600
Loss of joint of forefinger or of joint of great toe	850

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

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

‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

(g)

Workers' Compensation (Amendment).

Sec. 51.
(Medical
inspection.)

- (g) by inserting in subsection five of section fifty-one after the word "shall" where secondly occurring the words "except in relation to a question referred to the board under paragraph (d) of subsection (1B) of section sixteen of this Act,".

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act, as enacted immediately before that day.

*Workers' Compensation (Amendment).***3. The Principal Act is further amended—**Further
amendment
of Act No.
15, 1926.

- (a) by inserting in paragraph (a1) of subsection (14c) of section six after the word "Acts" the words "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts"; Sec. 6. (Definitions.)
- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- (c) by inserting next after the same paragraph the following new paragraph :—
- (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

4. (1) The Principal Act is further amended—Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection (2c) of section seven and by inserting in lieu thereof the following subsection :— Sec. 7. (Liability of employers to workers for injuries.)
- (2c) (a) In this subsection "wages" means wages, salary, allowance, or other payment.

(b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement or contract of employment to receive any wages for sick leave in respect of that period.

(c)

Workers' Compensation (Amendment).

(c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

- (i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and
- (ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

(d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of that period—

- (i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and
- (ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

(e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

- (i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;
- (ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

(f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

(b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

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

Sec. 10.
(Medical
and hospital
treatment,
&c.)

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

(1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

(b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

"Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

- (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

(a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—

treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,

but does not include ambulance service or hospital treatment.

- (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any rehabilitation centre conducted by a hospital,";

- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";

- (g) by inserting in the same definition after the words "by the hospital" the words ", at the hospital or rehabilitation centre,";

- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in obtaining any such treatment, but does not include ambulance service";

- (i) by inserting at the end of the same subsection the following new definition :—

"Treatment by way of rehabilitation" means—

- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded
at rehabilitation centres conducted
by public hospitals; or

(b) an approved treatment.

- (j) by inserting in paragraph (d) of subsection three of the same section after the word "treatment" the words "afforded by that hospital".

(2) The amendments made by subsection one of this section shall apply to and in respect of injuries received before the appointed day as well as to and in respect of injuries received on or after that day.

Further
amendment
of Act No.
15, 1926.

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

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

- (a) by inserting next after subparagraph (i) of paragraph (d) of subsection one of section seven the following new subparagraph :—

(ia) between the worker's place of abode or place of employment and any other place, where the journey is made for the purpose of having, undergoing or obtaining any consultation, examination or prescription referred to in subsection three of section 10A of this Act;

Sec. 10A.
(Damages to
artificial
limbs, etc.)

- (b) by inserting at the end of subsection three of section 10A the words "and also to include the amount of any wages lost by the worker by reason of his attendance at any place for the purpose of having, undergoing or obtaining any such consultation, examination or prescription".

(2) The amendments made by subsection one of this section shall apply to and in respect of journeys and attendances on or after the appointed day, whether the damage in connection with which the journeys were made or the attendances took place was sustained before, on or after that day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting next after subsection (5A) of section sixteen the following new subsection :—

Further amendment of Act No. 15, 1926.
Sec. 16.
(Compensation for certain injuries.)

(5B) (a) Subject to this subsection, in ascertaining, for the purposes of this section, the percentage of the diminution of hearing in respect of boilermaker's deafness, or any deafness of the like origin, of a worker who is over the prescribed age, it shall be conclusively presumed that his loss of hearing is, to the extent of the prescribed number of decibels for each complete year of his age in excess of the prescribed age, to be attributed to presbycusis.

Sadler v. The Commissioner for Railways (N.S.W.).

(b) For the purposes of this subsection—

(i) the prescribed age is fifty years or, where some other age is prescribed by regulations made under this Act, the age so prescribed;

(ii) the prescribed number of decibels is one half or, where some other number is prescribed by regulations made under this Act, the number so prescribed.

(c) Regulations made under subparagraph (ii) of paragraph (b) of this subsection may prescribe different numbers of decibels in respect of different methods of ascertaining the extent of diminution of hearing, and any number thereby prescribed may be or include a fraction.

(d) Nothing in this subsection applies in a case of total loss of hearing of either ear.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

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

Sec. 18.
(Com-
pulsory
insurance.)

- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,";
- (b) by omitting from subsection (1A) of the same section the words "suspend or terminate any such license, or limit or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof" and by inserting in lieu thereof the words "exercise, in relation to the license of that employer, the power specified in subsection one of section 29C of this Act";
- (c) by omitting paragraph (b) of subsection seven of the same section;
- (d) by inserting at the end of the same section the following new subsection :—

(9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who fails to comply with subsection two of this section, shall be guilty of an offence against this Act.

Sec. 19.
(Com-
pulsory
reinsur-
ance.)

- (e) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses";

(ii)

Workers' Compensation (Amendment).

- (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- (f) (i) by omitting from paragraph (k) of subsection Sec. 29. one of section twenty-nine the words "and the (Termination of licenses.) arrangement of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has";
- (ii) by omitting from the same paragraph the words "he should not continue to hold a license" and by inserting in lieu thereof the words "the Commission should exercise its power under this subsection in relation to the license";
- (iii) by omitting from the same subsection the words "suspend, or terminate, any license granted under section twenty-seven of this Act, or limit, or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof," and by inserting in lieu thereof the words "exercise, in relation to any license granted under section twenty-seven of this Act, the power specified in subsection one of section 29C of this Act,";
- (iv) by omitting from paragraph (a) of subsection three of the same section the words "on any ground specified in subsection one of this section or subsection seven of section 18C of this Act for the suspension or termination of a license or for limiting or varying the period of a license or attaching any conditions thereto or varying the conditions thereof" and

by

Workers' Compensation (Amendment).

by inserting in lieu thereof the words "for the exercise by the Commission of its power under subsection one of this section in relation to any license";

(v) by omitting from the same paragraph the words "his license should not be dealt with as aforesaid" and by inserting in lieu thereof the words "the Commission should not exercise that power in relation to the license";

(vi) by omitting from paragraph (b) of the same subsection the words "the license should be dealt with" and by inserting in lieu thereof the words "the Commission should exercise its power";

(vii) by omitting from paragraph (d) of the same subsection the words "dealing with a license as aforesaid" and by inserting in lieu thereof the words "under this section in relation to a license";

New secs.
29B and
29C.

(g) by inserting next after section 29A the following new sections :—

Power of
Commis-
sion at
request of
licensee.

29B. The Commission may, at the request of a licensee, exercise in relation to his license the power specified in subsection one of section 29C of this Act.

Power of
Commis-
sion in
relation to
termina-
tion, etc.,
of licenses.

29C. (1) The power, referred to in subsection (1A) of section eighteen, subsection one of section twenty-nine, and section 29B of this Act, of the Commission in relation to a license is a power—

(a) to suspend the license;

(b) to terminate the license;

(c)

Workers' Compensation (Amendment).

- (c) if the license was granted—
 - (i) without limitation of time, to limit the period of the license;
 - (ii) for a period, to vary that period;
- (d) if the license was granted—
 - (i) without conditions, to attach conditions to it;
 - (ii) subject to conditions, to vary those conditions; or
- (e) both—
 - (i) to limit or vary the period of the license as mentioned in paragraph (c) of this subsection; and
 - (ii) to attach conditions to or vary the conditions of the license as mentioned in paragraph (d) of this subsection.

(2) The power of the Commission, under any provisions of this Act, to vary the conditions of a license includes a power to omit any of those conditions and a power to attach new conditions to the license.

- (h) by omitting section 30;

Sec. 30.
(Termination, etc., of licenses at request of licensees.)

- (i) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine".

Sec. 30A.
(Insurance Premiums Committee.)

(2) Paragraphs (b), (f), (g), (h) and (i) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand nine hundred and sixty-four.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

9. The Principal Act is further amended—

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

- (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;";
- (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;".

Further
amendment
of Act No.
15, 1926.
Sec. 60.
(Review.)

10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

(3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

- (a) the worker was over twenty-one years of age; and
- (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting subsection two of section seventy-one; Sec. 71.

(Transfer
of funds.)

(b) by inserting next after the same section the following new section :— New sec.
72.

72. Compensation is payable to a worker or his dependants in accordance with the provisions of this Act notwithstanding that he or they reside, or at any time resided, outside New South Wales. Residence.

(2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

12. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

(a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose";

(b)

Workers' Compensation (Amendment).

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

- (b) by omitting from paragraph (c) of subsection two of section 17c the word "Act." and by inserting in lieu thereof the words—

Act,

together with such amount as the Commission may award in respect of the costs of the application.

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

- (c) (i) by inserting in subsection one of section 17D after the words "damage to" where firstly occurring the words "or loss of";
- (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";
- (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";
- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—
- (ii) no indemnity shall be payable in respect of any loss—
- (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or
- (b) resulting from reasonable wear and tear;
- (v) by inserting next after the same subsection the following new subsection :—

(1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he shall

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

- (a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or
- (b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,

and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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. Subsisting policies.

Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended— Amendment of Act No. 14, 1942.

- (a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases"; Sec. 1.
(Short title.)
- (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars"; Sec. 8.
(Certificate of medical authority.)
- (ii)

Workers' Compensation (Amendment).

(ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";

(iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

Amendment
of Act No.
36, 1920.

15. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Schedule.

(a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";

(b) by omitting from paragraph (g) of clause (1) of the same paragraph the symbol and figures "\$140" and by inserting in lieu thereof the symbol and figures "\$300";

(c)

Workers' Compensation (Amendment).

- (c) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- (d) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- (e) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".

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

(3) This section shall commence upon a day to be appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further amendment of Act No. 36, 1920.
Sec. 7A.
(Beneficiaries residing abroad.)

17. The Principal Act is further amended by inserting next after paragraph (f) of section thirty-eight the following new paragraph :—

Further amendment of Act No. 15, 1926.
Sec. 38.

- (f1) pay from the fund such moneys as it thinks proper for or in connection with enabling persons to take or defend, or be a party to, proceedings before the Commission as poor persons;
- (Proceedings of Commission.)

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

Sec. 41.
(Constitu-
tion of
fund.)

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

- (a) by omitting section forty-one and by inserting in lieu thereof the following section :—

41. (1) In this section—

“Employer” includes a racing club or association.

“Financial year” means year commencing on the first day of July.

(2) There shall be a fund, in this Act called “the fund”, belonging to and vested in the Commission and consisting of—

- (a) the amounts which immediately before the first day of July, one thousand nine hundred and seventy, stood to the credit of the fund constituted by this section as then enacted;
- (b) the amounts contributed by insurers and self-insurers pursuant to this section; and
- (c) all other amounts received by the Commission and not otherwise appropriated.

(3) There shall be paid from the fund, in addition to all moneys paid therefrom pursuant to any other provisions of this Act, all moneys required—

- (a) for the salaries of the members of the Commission and its staff; and
- (b) for carrying out the provisions of this Act where moneys are not otherwise provided for that purpose.

(4) The Commission shall, as early as is practicable in each financial year—

- (a) make an estimate of the total of the amounts already paid and the amounts to be paid from the fund during that financial year;

(b)

Workers' Compensation (Amendment).

- (b) determine what amounts, if any, shall be set aside as provision to meet expenditure from the fund in future years, and specify for what purpose or purposes each such provision is being made;
- (c) make an estimate of the total amounts (including the amounts already received) to be received into the fund during that financial year otherwise than by way of contributions from insurers and self-insurers under this section;
- (d) determine the total amount to be contributed to the fund during that financial year by insurers and self-insurers under this section, after having regard to the amounts standing to the credit of the fund at the beginning of the year, including any amounts set aside in earlier years as provisions to meet expenditure in later years, and the amounts estimated to be received into the fund during the year otherwise than from insurers and self-insurers under this section; and
- (e) specify in a document sealed with the seal of the Commission the estimates, provisions and amount to be contributed to the fund by insurers and self-insurers.

(5) Each insurer shall in the year which commenced on the first day of July, one thousand nine hundred and seventy, and in each subsequent financial year, contribute to the fund an amount of money that is equal to a percentage, determined by the Commission in accordance with this section, of the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the next preceding financial year while he was licensed under section twenty-seven of this Act in respect of insurance of employers
pursuant

Workers' Compensation (Amendment).

pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid by the insurer during that financial year by way of reinsurance to any other insurer who at the time of such payment was licensed under section twenty-seven of this Act.

(6) Each employer who at any time during a financial year (including the year which commenced on the first day of July, one thousand nine hundred and sixty-nine) was a self-insurer shall in the next succeeding financial year contribute to the fund an amount of money that is equal to a percentage, determined by the Commission, of the total amount which he would, in the opinion of the Commission, have paid as premiums in respect of a policy of insurance or indemnity had he obtained such a policy from the Government Insurance Office of New South Wales and maintained that policy in force during the first-mentioned financial year or (if he was not a self-insurer during the whole of that financial year) that part thereof during which he was a self-insurer.

(7) The Commission may require an employer, in respect of a specified financial year or part thereof during which, or any part of which, the employer was a self-insurer—

- (a) to furnish to the Commission within a specified time such particulars as to the workers employed by him and the wages paid to those workers as the Commission may specify;
- (b) to make within a specified time such inquiry of the Government Insurance Office of New South Wales as the Commission may specify as to the rates of premium that would have been payable had the employer

held

Workers' Compensation (Amendment).

held a policy of insurance or indemnity, issued by that office, in respect of his workers and to furnish to the Commission, within a specified time after information is received by the employer in response to that inquiry, the information so received,

and an employer who fails to comply with a requirement of the Commission under this section within the time specified by the Commission in respect of that requirement shall be guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(8) The Government Insurance Office of New South Wales shall promptly furnish any information sought by an employer from it for the purpose of complying with a requirement of the Commission under paragraph (b) of subsection seven of this section.

(9) The percentage determined by the Commission pursuant to subsections five and six of this section—

- (a) shall be such as, in the opinion of the Commission, will be sufficient to yield the total amount to be contributed to the fund by insurers and employers during the then current financial year as determined pursuant to paragraph (d) of subsection four of this section; and
- (b) shall be the same percentage for all insurers, and for all employers liable to contribute as self-insurers.

(10) The amounts required by this section to be contributed by insurers and employers shall be paid by them to the Commission in such instalments and at such times as are determined by the Commission.

(11)

Workers' Compensation (Amendment).

(11) The Commission shall, by such means as it thinks proper, notify each insurer and employer required to make a contribution pursuant to this section of the contribution payable by him and of the amounts of the instalments and the times at which they are payable.

(12) Where an insurer or employer notified pursuant to subsection eleven of this section in respect of an instalment of contribution fails to pay that instalment by the time fixed by the Commission,—

- (a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars for every day upon which that instalment has remained unpaid up to the date of conviction for the offence, and shall from time to time thereafter while that instalment remains unpaid be guilty of a further offence against this Act and liable to the same penalty until the instalment is paid or recovered; and
- (b) the full amount of the contribution, or of the balance then remaining unpaid, shall, if it is not already payable, immediately become payable and may be recovered as a debt by proceedings instituted by the Commission in any court of competent jurisdiction.

(13) In any proceedings against an insurer or employer for the recovery of a contribution or an instalment or part thereof under this section, or for any offence against this Act arising under subsection twelve of this section, a certificate purporting to be signed by the registrar of the Commission as to—

- (a) the amount of the contribution payable, pursuant to this section, by the insurer or employer

Workers' Compensation (Amendment).

employer and the amounts of the instalments by which, and the times at which, the Commission determined that contribution should be paid; and

- (b) the notification of the insurer or employer pursuant to subsection eleven of this section,

shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the facts stated in it, and of the due receipt of that notification by the insurer or employer.

- (b) (i) by omitting subsection one of section forty-^{Sec. 42.}
two and by inserting in lieu thereof the ^{(Returns by}
following subsection :— ^{insurers.)}

(1) Every insurer shall, in the month of August in each year, or at such later time as the Commission may notify to the insurer, send to the Commission a return showing the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the year that ended on the next preceding thirtieth day of June while he was licensed under section twenty-seven of this Act, in respect of insurance of employers pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid during that year by the insurer by way of reinsurance to any other insurer who at the time of that payment was licensed under section twenty-seven of this Act, together with a statutory declaration by the insurer, or his manager, secretary or agent in this State that, to the best of his knowledge, information and belief, the return is a true return of that amount.

(ii)

Workers' Compensation (Amendment).

(ii) by omitting from subsection two of the same section the words "shall be liable to a penalty not exceeding ten dollars" and by inserting in lieu thereof the words "shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars".

(2) As from the commencement of this section, references in any Act or any statutory or other instrument or document to the fund constituted by section forty-one of the Principal Act shall be deemed to refer to the fund constituted by that section as substituted by this Act.

(3) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and seventy.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 67, 1970.

An Act to increase rates of workers' compensation and otherwise to amend the law relating to workers' compensation; for these purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942-1967, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith. [Assented to, 24th November, 1970.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Workers' Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,
commence-
ment and
construction.

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1970".

(2) This Act, sections fifteen and eighteen excepted, shall commence upon a day (in this Act referred to as the appointed day) to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) In this Act the Workers' Compensation Act, 1926, is referred to as the Principal Act.

Amendment
of Act No.
15, 1926.

2. (1) The Principal Act is amended—

Sec. 8.
(Compensa-
tion
payments
(Death).)

(a) (i) by omitting from paragraph (a) of subsection one of section eight the words "ten thousand dollars" and by inserting in lieu thereof the words "twelve thousand five hundred dollars";

(ii) by omitting from paragraph (b) of the same subsection the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents";

(iii) by omitting from subsection three of the same section the words "two thousand eight hundred dollars" and by inserting in lieu thereof the words "three thousand five hundred dollars";

(iv) by omitting from subsection four of the same section the words "one hundred and twenty dollars" and by inserting in lieu thereof the words "three hundred dollars";

(b)

Workers' Compensation (Amendment).

- (b) (i) by omitting from paragraph (a) of subsection one of section nine the words "seventy-five per centum" and by inserting in lieu thereof the words "eighty per centum"; Sec. 9.
(Total or partial incapacity.)
- (ii) by omitting from the same paragraph the words "twenty-six dollars" and by inserting in lieu thereof the words "thirty-two dollars fifty cents";
- (iii) by omitting from the same paragraph the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-two dollars";
- (iv) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words "seven dollars" and by inserting in lieu thereof the words "nine dollars";
- (v) by omitting from subparagraph (ii) of the same paragraph the words "three dollars" and by inserting in lieu thereof the words "four dollars";
- (vi) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "seven dollars" and by inserting in lieu thereof the words "nine dollars";
- (vii) by omitting from subparagraph (ii) of the same paragraph the words "three dollars" and by inserting in lieu thereof the words "four dollars";
- (viii) by omitting from paragraph (a) of subsection (1A) of the same section the figures "1967" and by inserting in lieu thereof the figures "1970";
- (ix) by omitting from the same paragraph the words "or the State basic wage" and by inserting in lieu thereof the words ", the State basic wage or the wage basis";

(x)

Workers' Compensation (Amendment).

- (x) by omitting from the same paragraph the words "the State basic wage" where secondly occurring and by inserting in lieu thereof the words "the wage basis";
- (xi) by omitting from paragraph (c) of the same subsection the words "this subsection" where firstly occurring and by inserting in lieu thereof the words "paragraph (a) of this subsection";
- (xii) by omitting from the definition of "State basic wage" in the same paragraph the figures "1967." and by inserting in lieu thereof the figures "1967;"
- (xiii) by inserting at the end of the same paragraph the following new definition :—

"wage basis" means the basic wage for adult males, or, as the case may require, adult females, by reference or in relation to which rates of wages are required at the relevant time by Part V of the Industrial Arbitration Act, 1940, as inserted by the Industrial Arbitration (Basic Wage) Amendment Act, 1967, to be fixed by an award that fixes rates of wages by reference or in relation to a basic wage.
- (xiv) by omitting from subsection four of the same section the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- (xv) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xvi) by omitting from the same subsection the words "twelve dollars" and by inserting in lieu thereof the words "sixteen dollars";

(xvii)

Workers' Compensation (Amendment).

- (xvii) by omitting from subsection five of the same section the words "twenty-three dollars fifty cents" and by inserting in lieu thereof the words "twenty-nine dollars";
- (xviii) by omitting from the same subsection the word "seventy-five" and by inserting in lieu thereof the word "eighty";
- (xix) by omitting from the same subsection the words "seventeen dollars fifty cents" and by inserting in lieu thereof the words "twenty-three dollars";
- (c) (i) by omitting from paragraph (c) of subsection three of section ten the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; Sec. 10. (Medical and hospital treatment, &c.)
- (ii) by omitting from paragraph (b) of subsection four of the same section the words "three hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- (iii) by omitting from subsection five of the same section the words "fifty dollars" and by inserting in lieu thereof the words "eight hundred dollars";
- (d) by omitting from subsection one of section 10A the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars"; Sec. 10A. (Damages to artificial limbs, etc.)
- (e) by omitting from subsection one of section 10B the words "fifty dollars" and by inserting in lieu thereof the words "one hundred dollars"; Sec. 10B. (Damage to clothing.)
- (f) (i) by omitting from paragraph (a) of subsection (1B) of section sixteen the words "five hundred dollars" and by inserting in lieu thereof the words "six hundred and fifty dollars"; Sec. 16. (Compensation for certain injuries.)
- (ii) by omitting from paragraph (a1) of the same subsection the words "six hundred dollars" wherever occurring and by inserting in lieu thereof the words "seven hundred and fifty dollars";
- (iii)

Workers' Compensation (Amendment).

(iii) by omitting from the same paragraph the words "a medical board in accordance with the provisions of this subsection" and by inserting in lieu thereof the words "the Commission: Provided that the compensation payable pursuant to this paragraph in respect of any substantial degree of loss of the sense of smell or of the sense of taste shall not be less than five hundred dollars";

(iv) by inserting in paragraph (b) of the same subsection after the words "compensation under" the words "paragraph (a) of";

(v) by omitting from paragraph (b) of the same subsection the word "questions" and by inserting in lieu thereof the word "question";

(vi) by omitting from the same paragraph the words "or, as the case may require, whether any loss of the sense of smell or of the sense of taste";

(vii) by omitting from the same paragraph the word "decisions" and by inserting in lieu thereof the word "decision";

(viii) by inserting at the end of the same subsection the following new paragraphs :—

(d) The Commission or the Registrar shall, on application by a person claiming to be entitled as a worker to compensation under paragraph (a1) of this subsection and on payment by the applicant of such fee, not exceeding two dollars, as may be prescribed by rules, refer to a medical board within the meaning of section fifty-one of this Act the question whether any loss of the sense of smell or of the sense of taste exists, and if so whether the loss is total.

(e) A medical board to which a question is referred under paragraph (d) of this subsection shall report its findings on the question to the Commission and the applicant, and may include in its report such further information

Workers' Compensation (Amendment).

information and such expressions of opinion as, in its opinion, are or may be relevant to the assessment of compensation under paragraph (a1) of this subsection;

- (ix) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table :—

TABLE

Nature of Injury.	Amount payable.
	\$
Loss of either arm, or of the greater part thereof	6,600
Loss of lower part of either arm, either hand, or five fingers of either hand	5,600
Loss of a leg or of the greater part thereof ..	6,000
Loss of the lower part of a leg	5,200
Loss of a foot	5,000
Loss of sight of one eye, with serious diminution of the sight of the other	6,000
*Loss of sight of one eye	3,500
Loss of hearing of both ears	5,000
†Loss of hearing of one ear	2,400
‡Loss of power of speech	5,000
Loss of a thumb	2,400
Loss of a forefinger	1,600
Loss of a joint of a thumb	1,500
Loss of little finger, middle finger or ring finger ..	850
Loss of a toe or the joint of a finger	750
Loss of a joint of a toe	450
Loss of a great toe	1,600
Loss of joint of forefinger or of joint of great toe	850

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

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

‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

(g)

Workers' Compensation (Amendment).

Sec. 51.
(Medical
inspection.)

(g) by inserting in subsection five of section fifty-one after the word "shall" where secondly occurring the words "except in relation to a question referred to the board under paragraph (d) of subsection (1B) of section sixteen of this Act,".

(2) (a) The amendments made by subparagraph (ii) of paragraph (a) and paragraph (b) of subsection one of this section shall be deemed to extend to and, on and from the appointed day, apply in respect of all persons and institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section eight or nine of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of such provisions on or after that day.

(b) The compensation prescribed by section eight of the Principal Act, as amended by paragraph (a) of subsection one of this section, shall be payable in accordance with the said section eight in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(c) The compensation prescribed by section sixteen of the Principal Act, as amended by paragraph (f) of subsection one of this section, for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- (ii) any injury of that kind received before the appointed day by a worker who has not before that day been awarded, or has not received or agreed to receive for that injury the compensation prescribed by section sixteen of the Principal Act, as enacted immediately before that day.

Workers' Compensation (Amendment).

3. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

- (a) by inserting in paragraph (a1) of subsection (14C) of section six after the word "Acts" the words "or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts";
- (b) by omitting from paragraph (b) of the same subsection the word "charge," and by inserting in lieu thereof the words "charge; or";
- (c) by inserting next after the same paragraph the following new paragraph :—
 - (c) as an entertainer in any performance in or upon the premises of a club registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or Part IIIA of the Gaming and Betting Act, 1912, as amended by subsequent Acts,;
- (d) by inserting in the same subsection after the word "public" where last occurring the words "or other".

Sec. 6.
(Defini-
tions.)

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

Further
amendment
of Act No.
15, 1926.

- (a) by omitting subsection (2C) of section seven and by inserting in lieu thereof the following sub-section :—
 - (2C) (a) In this subsection "wages" means wages, salary, allowance, or other payment.
 - (b) Compensation shall be payable in accordance with the provisions of this Act to a worker in respect of a period of incapacity notwithstanding that the worker has received or is entitled under any Act, award, industrial agreement or contract of employment to receive any wages for sick leave in respect of that period.

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

(c)

Workers' Compensation (Amendment).

(c) Where a worker is paid compensation by his employer in respect of any period of incapacity in respect of which the employer is, or but for this subsection would be, liable under any Act, award, industrial agreement or contract of employment to pay to the worker any wages for sick leave—

(i) that liability shall, to the extent of the compensation so paid, be deemed to have been satisfied by that payment notwithstanding the terms of that Act, award, agreement or contract; and

(ii) the amount of that compensation shall, for the purposes of paragraphs (e) and (f) of this subsection, be deemed to have been paid as compensation and not as wages.

(d) Where a worker, in respect of any period of incapacity in respect of which his employer is liable to pay compensation to him, is paid wages for sick leave by the employer and either the Commission afterwards makes an award for the payment of compensation to the worker in respect of that period or the employer agrees that compensation be paid to the worker in respect of that period—

(i) the employer's liability to pay compensation in respect of that period shall, to the extent of the wages paid, be deemed to have been satisfied by that payment; and

(ii) the wages shall, to the extent of the compensation, be deemed for the purposes of paragraphs (e) and (f) of this subsection to have been paid as compensation and not as wages.

(e)

Workers' Compensation (Amendment).

(e) Where a worker is paid any compensation in respect of a period of incapacity he shall, in respect of any entitlement to sick leave, or wages for sick leave, accruing after the expiration of that period—

(i) if he has not also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, any sick leave or wages for sick leave in respect of that period;

(ii) if he has also been paid wages for sick leave in respect of that period, be deemed not to have been entitled to or granted, or to have received, sick leave or wages for sick leave in respect of the whole of that period, but only in respect of a lesser period calculated as provided by paragraph (f) of this subsection.

(f) The lesser period referred to in paragraph (e) of this subsection is a period which bears to the period of incapacity of the worker the same proportion as the wages paid to the worker in respect of the period of incapacity bear to the total amount of the wages and compensation paid to him in respect of the period of incapacity.

(g) In paragraphs (c), (d), (e) and (f) of this subsection "compensation" means compensation pursuant to section nine or eleven of this Act.

(b) by omitting subsection (2D) of the same section.

(2) The amendments made by subsection one of this section shall apply to and in respect of incapacity, on or after the appointed day, resulting from an injury received whether before, on or after that day.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

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

Sec. 10.
(Medical
and hospital
treatment,
&c.)

- (a) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

(1) Where as a result of an injury received by a worker—

(a) it is reasonably necessary that any medical or hospital treatment be afforded, or any ambulance service rendered, to him; or

(b) it is appropriate that any such treatment, being treatment by way of rehabilitation, be afforded to him,

his employer shall, subject to and to the extent provided by this section, be liable to pay, in addition to any compensation otherwise provided, the cost of that treatment or service.

- (b) by inserting in subsection two of the same section next after the definition of "Ambulance service" the following new definition : —

"Approved" in relation to a person, body, place, or treatment, means designated by the Minister, by order made for the purposes of this section and published in the Gazette, as an approved person, body, place or treatment, respectively.

- (c) by inserting next after paragraph (a) of the definition of "Medical treatment" in the same subsection the following new paragraphs :—

(a1) therapeutic treatment afforded by direction of a legally qualified medical practitioner;

(a2) treatment by way of rehabilitation afforded by an approved person or body or at an approved place;

(d)

Workers' Compensation (Amendment).

- (d) by omitting from paragraph (d) of the same definition the words "medical treatment" and by inserting in lieu thereof the following words :—

treatment referred to in paragraph (a), (a1) or (a2) of this definition or in connection with the provision or supply of anything referred to in paragraph (b) or (c) of this definition,

but does not include ambulance service or hospital treatment.

- (e) by omitting from the definition of "Hospital treatment" in the same subsection the words "treatment at any hospital" and by inserting in lieu thereof the words "treatment, including treatment by way of rehabilitation, at any hospital or at any rehabilitation centre conducted by a hospital,";

- (f) by inserting in the same definition after the words "at the hospital" the words "or rehabilitation centre";

- (g) by inserting in the same definition after the words "by the hospital" the words ", at the hospital or rehabilitation centre,";

- (h) by inserting in the same definition after the word "service" the words ", and also includes the cost to the worker of any fares and travelling expenses necessarily and reasonably incurred by him in obtaining any such treatment, but does not include ambulance service";

- (i) by inserting at the end of the same subsection the following new definition :—

"Treatment by way of rehabilitation" means—

- (a) treatment of a kind that, immediately before the commencement of the Workers' Compensation (Amendment) Act, 1970, was customarily

Workers' Compensation (Amendment).

customarily and normally afforded at rehabilitation centres conducted by public hospitals; or

(b) an approved treatment.

(j) by inserting in paragraph (d) of subsection three of the same section after the word "treatment" the words "afforded by that hospital".

(2) The amendments made by subsection one of this section shall apply to and in respect of injuries received before the appointed day as well as to and in respect of injuries received on or after that day.

Further amendment of Act No. 15, 1926.

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

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

(a) by inserting next after subparagraph (i) of paragraph (d) of subsection one of section seven the following new subparagraph :—

(ia) between the worker's place of abode or place of employment and any other place, where the journey is made for the purpose of having, undergoing or obtaining any consultation, examination or prescription referred to in subsection three of section 10A of this Act;

Sec. 10A.
(Damages to artificial limbs, etc.)

(b) by inserting at the end of subsection three of section 10A the words "and also to include the amount of any wages lost by the worker by reason of his attendance at any place for the purpose of having, undergoing or obtaining any such consultation, examination or prescription".

(2) The amendments made by subsection one of this section shall apply to and in respect of journeys and attendances on or after the appointed day, whether the damage in connection with which the journeys were made or the attendances took place was sustained before, on or after that day.

Workers' Compensation (Amendment).

7. The Principal Act is further amended by inserting next after subsection (5A) of section sixteen the following new subsection :—

Further amendment of Act No. 15, 1926. Sec. 16. (Compensation for certain injuries.)

(5B) (a) Subject to this subsection, in ascertaining, for the purposes of this section, the percentage of the diminution of hearing in respect of boilermaker's deafness, or any deafness of the like origin, of a worker who is over the prescribed age, it shall be conclusively presumed that his loss of hearing is, to the extent of the prescribed number of decibels for each complete year of his age in excess of the prescribed age, to be attributed to presbycusis.

Sadler v. The Commissioner for Railways (N.S.W.).

(b) For the purposes of this subsection—

(i) the prescribed age is fifty years or, where some other age is prescribed by regulations made under this Act, the age so prescribed;

(ii) the prescribed number of decibels is one half or, where some other number is prescribed by regulations made under this Act, the number so prescribed.

(c) Regulations made under subparagraph (ii) of paragraph (b) of this subsection may prescribe different numbers of decibels in respect of different methods of ascertaining the extent of diminution of hearing, and any number thereby prescribed may be or include a fraction.

(d) Nothing in this subsection applies in a case of total loss of hearing of either ear.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

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

Sec. 18.
(Com-
pulsory
insurance.)

- (a) by inserting in subsection one of section eighteen after the word "indemnity" where firstly occurring the words ", conforming to this section,";
- (b) by omitting from subsection (1A) of the same section the words "suspend or terminate any such license, or limit or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof" and by inserting in lieu thereof the words "exercise, in relation to the license of that employer, the power specified in subsection one of section 29c of this Act";
- (c) by omitting paragraph (b) of subsection seven of the same section;
- (d) by inserting at the end of the same section the following new subsection :—

(9) An employer who fails to comply with subsection one or seven, or paragraph (a) of subsection eight, of this section and an insurer who fails to comply with subsection two of this section, shall be guilty of an offence against this Act.

Sec. 19.
(Com-
pulsory
reinsur-
ance.)

- (e) (i) by omitting from subsection three of section nineteen the words "No licensed insurer shall, except with the consent of the Commission, refuse" and by inserting in lieu thereof the words "A licensed insurer who, except with the consent of the Commission, refuses";

(ii)

Workers' Compensation (Amendment).

- (ii) by inserting in the same subsection after the word "policy" where secondly occurring the words ", shall be guilty of an offence against this Act";
- (f) (i) by omitting from paragraph (k) of subsection Sec. 29. one of section twenty-nine the words "and the (Termination of licenses.) arrangement of his affairs have" and by inserting in lieu thereof the words "or the arrangement of his affairs, has";
- (ii) by omitting from the same paragraph the words "he should not continue to hold a license" and by inserting in lieu thereof the words "the Commission should exercise its power under this subsection in relation to the license";
- (iii) by omitting from the same subsection the words "suspend, or terminate, any license granted under section twenty-seven of this Act, or limit, or vary the period thereof, or attach any conditions thereto, or vary the conditions thereof," and by inserting in lieu thereof the words "exercise, in relation to any license granted under section twenty-seven of this Act, the power specified in subsection one of section 29c of this Act,";
- (iv) by omitting from paragraph (a) of subsection three of the same section the words "on any ground specified in subsection one of this section or subsection seven of section 18c of this Act for the suspension or termination of a license or for limiting or varying the period of a license or attaching any conditions thereto or varying the conditions thereof" and

by

Workers' Compensation (Amendment).

by inserting in lieu thereof the words "for the exercise by the Commission of its power under subsection one of this section in relation to any license";

(v) by omitting from the same paragraph the words "his license should not be dealt with as aforesaid" and by inserting in lieu thereof the words "the Commission should not exercise that power in relation to the license";

(vi) by omitting from paragraph (b) of the same subsection the words "the license should be dealt with" and by inserting in lieu thereof the words "the Commission should exercise its power";

(vii) by omitting from paragraph (d) of the same subsection the words "dealing with a license as aforesaid" and by inserting in lieu thereof the words "under this section in relation to a license";

New secs.
29B and
29C.

(g) by inserting next after section 29A the following new sections :—

Power of
Commis-
sion at
request of
licensee.

29B. The Commission may, at the request of a licensee, exercise in relation to his license the power specified in subsection one of section 29C of this Act.

Power of
Commis-
sion in
relation to
termina-
tion, etc.,
of licenses.

29C. (1) The power, referred to in subsection (1A) of section eighteen, subsection one of section twenty-nine, and section 29B of this Act, of the Commission in relation to a license is a power—

- (a) to suspend the license;
- (b) to terminate the license;

(c)

Workers' Compensation (Amendment).

- (c) if the license was granted—
 - (i) without limitation of time, to limit the period of the license;
 - (ii) for a period, to vary that period;

- (d) if the license was granted—
 - (i) without conditions, to attach conditions to it;
 - (ii) subject to conditions, to vary those conditions; or

- (e) both—
 - (i) to limit or vary the period of the license as mentioned in paragraph (c) of this subsection; and
 - (ii) to attach conditions to or vary the conditions of the license as mentioned in paragraph (d) of this subsection.

(2) The power of the Commission, under any provisions of this Act, to vary the conditions of a license includes a power to omit any of those conditions and a power to attach new conditions to the license.

(h) by omitting section 30;

Sec. 30.
(Termination, etc., of licenses at request of licensees.)

- (i) by omitting from paragraph (c) of subsection (13A) of section 30A the word "twenty-eight" and by inserting in lieu thereof the word "twenty-nine".

Sec. 30A.
(Insurance Premiums Committee.)

(2) Paragraphs (b), (f), (g), (h) and (i) of subsection one of this section shall be deemed to have commenced on the twenty-fourth day of December, one thousand nine hundred and sixty-four.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

9. The Principal Act is further amended—

Sec. 38.
(Pro-
ceedings
of Commis-
sion.)

- (a) by omitting from subparagraph (ii) of paragraph (f) of section thirty-eight the word "proceedings." and by inserting in lieu thereof the word "proceedings;"
- (b) by omitting from the same paragraph the words "The expression 'poor person' means any person who is not worth one hundred dollars, excluding furniture to the value of forty dollars, his wearing apparel, tools of trade, and the subject-matter of the proceedings to which he is a party;"

Further
amendment
of Act No.
15, 1926.
Sec. 60.
(Review.)

10. The Principal Act is further amended by inserting next after subsection two of section sixty the following new subsection :—

(3) Where at the date of an injury received whether before or after the commencement of the Workers' Compensation (Amendment) Act, 1970—

- (a) the worker was over twenty-one years of age;
and
- (b) under the terms, applicable to his employment, of an Act, industrial award, industrial agreement or contract of employment, his wage or salary was fixed by or by reference to a scale of wages or salaries related to age or experience,

the amount of the weekly payment payable after that commencement may be increased to such an amount as would have been awarded if the worker had at the time of the injury been earning the wage or salary which, in

accordance

Workers' Compensation (Amendment).

accordance with that scale, he would probably have been earning at the date of the review, if he had remained uninjured.

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

Further
amendment
of Act No.
15, 1926.

(a) by omitting subsection two of section seventy-one; Sec. 71.

(Transfer
of funds.)

(b) by inserting next after the same section the following new section :— New sec.
72.

72. Compensation is payable to a worker or his Residence.
dependants in accordance with the provisions of
this Act notwithstanding that he or they reside, or
at any time resided, outside New South Wales.

(2) Where the death of a worker results on or after the appointed day from an injury received before that day, and his dependants would by virtue of the amendments made by subsection one of this section have been entitled to compensation for his death if the injury had been received on or after that day, the dependants shall be entitled to such compensation as though the injury had been received on or after that day.

12. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.

(a) by inserting in the definition of "Bush fire preventive operation" in subsection one of section 17B after the word "occur" the words "and, without limiting the generality of the foregoing provisions of this definition, includes the inspection of fire breaks or other works, and the survey of areas for the purpose of detecting fires or ascertaining the need for precautions against outbreak of fire, where the inspection or survey has been, or is to be, so carried out for such a purpose"; Sec. 17B.
(Interpreta-
tion.)

(b)

Workers' Compensation (Amendment).

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

- (b) by omitting from paragraph (c) of subsection two of section 17c the word "Act." and by inserting in lieu thereof the words—

Act,

together with such amount as the Commission may award in respect of the costs of the application.

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

- (c) (i) by inserting in subsection one of section 17d after the words "damage to" where firstly occurring the words "or loss of";

- (ii) by inserting in the same subsection after the word "damage" where secondly occurring the words "or loss";

- (iii) by inserting in paragraph (i) of the proviso to the same subsection after the words "damage to" wherever occurring the words "and loss of";

- (iv) by omitting paragraph (ii) of the same proviso and by inserting in lieu thereof the following paragraph :—

- (ii) no indemnity shall be payable in respect of any loss—

- (a) occasioned by theft, unless the applicant has taken such action with a view to recovering the property stolen as the Commission thinks reasonable; or

- (b) resulting from reasonable wear and tear;

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

(1A) Where, but for this subsection, a person would not be entitled to compensation under subsection one of this section by reason only of the fact that the article destroyed, damaged or lost was not upon him at the time of the destruction, damage or loss, he

shall

Workers' Compensation (Amendment).

shall be entitled to that compensation as if the article had been upon him at that time if, at that time, the article was—

(a) at or near the scene of the bush fire being fought by, or the preventive operations or preparatory work being carried out by, that person (whether or not the article was in or upon a vehicle); or

(b) in or upon a vehicle in the course of the journeying by that person as referred to in paragraph (a) of subsection one of this section,

and the Commission is of the opinion that it was necessary or reasonable for the article to be where it was at the time of the destruction, damage or loss.

13. A policy of insurance against liability under the Principal 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.

Subsisting policies.

Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this Act.

14. (1) The Workers' Compensation (Dust Diseases) Act, 1942–1967, is amended—

Amendment of Act No. 14, 1942.

(a) by omitting from subsection one of section one the word "Silicosis" and by inserting in lieu thereof the words "Dust Diseases";

Sec. 1. (Short title.)

(b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (2B) of section eight the words "three thousand dollars" and by inserting in lieu thereof the words "five thousand dollars";

Sec. 8. (Certificate of medical authority.)

(ii)

Workers' Compensation (Amendment).

- (ii) by omitting from subparagraph (ii) of the same paragraph the words "sixteen dollars" and by inserting in lieu thereof the words "twenty dollars";
- (iii) by omitting from subparagraph (iii) of the same paragraph the words "five dollars" and by inserting in lieu thereof the words "six dollars twenty-five cents".

(2) The amendments made by subparagraphs (ii) and (iii) of paragraph (b) of subsection one of this section shall be deemed to extend to, and, on and from the appointed day, apply in respect of, all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the provisions of the Workers' Compensation (Dust Diseases) Act, 1942-1967, in respect of the death of any person as well as to all persons becoming entitled to weekly payments under any of such provisions on or after that day.

(3) The compensation prescribed by subparagraph (i) of paragraph (b) of subsection (2B) of section eight of the Workers' Compensation (Dust Diseases) Act, 1942-1967, as amended by subsection one of this section, shall be payable in accordance with that paragraph in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under that paragraph depends happened, or was done or suffered, before that day.

Amendment of Act No. 36, 1920. **15.** (1) The Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Schedule.

- (a) by omitting from paragraph 6 of Part II of the Schedule the figures "3.00" wherever occurring and by inserting in lieu thereof the figures "4.00";
- (b) by omitting from paragraph (g) of clause (1) of the same paragraph the symbol and figures "\$140" and by inserting in lieu thereof the symbol and figures "\$300";

(c)

Workers' Compensation (Amendment).

- (c) by omitting from subparagraph (b) of paragraph 6A of Part II of the Schedule the figures "14.00" wherever occurring and by inserting in lieu thereof the figures "20.50";
- (d) by omitting from the same subparagraph the figures "2.00" and by inserting in lieu thereof the figures "4.00";
- (e) by omitting from the same subparagraph the figures "6.00" and by inserting in lieu thereof the figures "10.00".

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

(3) This section shall commence upon a day to be appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette.

16. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by omitting section 7A.

Further
amendment
of Act No.
36, 1920.
Sec. 7A.
(Benefici-
aries resid-
ing abroad.)

17. The Principal Act is further amended by inserting next after paragraph (f) of section thirty-eight the following new paragraph :—

Further
amendment
of Act No.
15, 1926.
Sec. 38.
(Proceed-
ings of
Com-
mission.)

- (f1) pay from the fund such moneys as it thinks proper for or in connection with enabling persons to take or defend, or be a party to, proceedings before the Commission as poor persons;

18.

Workers' Compensation (Amendment).

Further
amendment
of Act No.
15, 1926.

Sec. 41.
(Constitu-
tion of
fund.)

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

- (a) by omitting section forty-one and by inserting in lieu thereof the following section :—

41. (1) In this section—

“Employer” includes a racing club or association.

“Financial year” means year commencing on the first day of July.

(2) There shall be a fund, in this Act called “the fund”, belonging to and vested in the Commission and consisting of—

- (a) the amounts which immediately before the first day of July, one thousand nine hundred and seventy, stood to the credit of the fund constituted by this section as then enacted;
- (b) the amounts contributed by insurers and self-insurers pursuant to this section; and
- (c) all other amounts received by the Commission and not otherwise appropriated.

(3) There shall be paid from the fund, in addition to all moneys paid therefrom pursuant to any other provisions of this Act, all moneys required—

- (a) for the salaries of the members of the Commission and its staff; and
- (b) for carrying out the provisions of this Act where moneys are not otherwise provided for that purpose.

(4) The Commission shall, as early as is practicable in each financial year—

- (a) make an estimate of the total of the amounts already paid and the amounts to be paid from the fund during that financial year;

(b)

Workers' Compensation (Amendment).

- (b) determine what amounts, if any, shall be set aside as provision to meet expenditure from the fund in future years, and specify for what purpose or purposes each such provision is being made;
 - (c) make an estimate of the total amounts (including the amounts already received) to be received into the fund during that financial year otherwise than by way of contributions from insurers and self-insurers under this section;
 - (d) determine the total amount to be contributed to the fund during that financial year by insurers and self-insurers under this section, after having regard to the amounts standing to the credit of the fund at the beginning of the year, including any amounts set aside in earlier years as provisions to meet expenditure in later years, and the amounts estimated to be received into the fund during the year otherwise than from insurers and self-insurers under this section; and
 - (e) specify in a document sealed with the seal of the Commission the estimates, provisions and amount to be contributed to the fund by insurers and self-insurers.
- (5) Each insurer shall in the year which commenced on the first day of July, one thousand nine hundred and seventy, and in each subsequent financial year, contribute to the fund an amount of money that is equal to a percentage, determined by the Commission in accordance with this section, of the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the next preceding financial year while he was licensed under section twenty-seven of this Act in respect of insurance of employers pursuant

Workers' Compensation (Amendment).

pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid by the insurer during that financial year by way of reinsurance to any other insurer who at the time of such payment was licensed under section twenty-seven of this Act.

(6) Each employer who at any time during a financial year (including the year which commenced on the first day of July, one thousand nine hundred and sixty-nine) was a self-insurer shall in the next succeeding financial year contribute to the fund an amount of money that is equal to a percentage, determined by the Commission, of the total amount which he would, in the opinion of the Commission, have paid as premiums in respect of a policy of insurance or indemnity had he obtained such a policy from the Government Insurance Office of New South Wales and maintained that policy in force during the first-mentioned financial year or (if he was not a self-insurer during the whole of that financial year) that part thereof during which he was a self-insurer.

(7) The Commission may require an employer, in respect of a specified financial year or part thereof during which, or any part of which, the employer was a self-insurer—

- (a) to furnish to the Commission within a specified time such particulars as to the workers employed by him and the wages paid to those workers as the Commission may specify;
- (b) to make within a specified time such inquiry of the Government Insurance Office of New South Wales as the Commission may specify as to the rates of premium that would have been payable had the employer

held

Workers' Compensation (Amendment).

held a policy of insurance or indemnity, issued by that office, in respect of his workers and to furnish to the Commission, within a specified time after information is received by the employer in response to that inquiry, the information so received,

and an employer who fails to comply with a requirement of the Commission under this section within the time specified by the Commission in respect of that requirement shall be guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(8) The Government Insurance Office of New South Wales shall promptly furnish any information sought by an employer from it for the purpose of complying with a requirement of the Commission under paragraph (b) of subsection seven of this section.

(9) The percentage determined by the Commission pursuant to subsections five and six of this section—

- (a) shall be such as, in the opinion of the Commission, will be sufficient to yield the total amount to be contributed to the fund by insurers and employers during the then current financial year as determined pursuant to paragraph (d) of subsection four of this section; and
- (b) shall be the same percentage for all insurers, and for all employers liable to contribute as self-insurers.

(10) The amounts required by this section to be contributed by insurers and employers shall be paid by them to the Commission in such instalments and at such times as are determined by the Commission.

(11)

Workers' Compensation (Amendment).

(11) The Commission shall, by such means as it thinks proper, notify each insurer and employer required to make a contribution pursuant to this section of the contribution payable by him and of the amounts of the instalments and the times at which they are payable.

(12) Where an insurer or employer notified pursuant to subsection eleven of this section in respect of an instalment of contribution fails to pay that instalment by the time fixed by the Commission,—

(a) he shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars for every day upon which that instalment has remained unpaid up to the date of conviction for the offence, and shall from time to time thereafter while that instalment remains unpaid be guilty of a further offence against this Act and liable to the same penalty until the instalment is paid or recovered; and

(b) the full amount of the contribution, or of the balance then remaining unpaid, shall, if it is not already payable, immediately become payable and may be recovered as a debt by proceedings instituted by the Commission in any court of competent jurisdiction.

(13) In any proceedings against an insurer or employer for the recovery of a contribution or an instalment or part thereof under this section, or for any offence against this Act arising under subsection twelve of this section, a certificate purporting to be signed by the registrar of the Commission as to—

(a) the amount of the contribution payable, pursuant to this section, by the insurer or employer

Workers' Compensation (Amendment).

employer and the amounts of the instalments by which, and the times at which, the Commission determined that contribution should be paid; and

(b) the notification of the insurer or employer pursuant to subsection eleven of this section, shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the facts stated in it, and of the due receipt of that notification by the insurer or employer.

(b) (i) by omitting subsection one of section forty-
two and by inserting in lieu thereof the following subsection :—

Sec. 42.
(Returns by
insurers.)

(1) Every insurer shall, in the month of August in each year, or at such later time as the Commission may notify to the insurer, send to the Commission a return showing the total amount of the premiums (including reinsurance premiums) that fell due for payment to the insurer during the year that ended on the next preceding thirtieth day of June while he was licensed under section twenty-seven of this Act, in respect of insurance of employers pursuant to this Act against their liability to their workers under this Act and independently of this Act, excluding any such part of those premiums as was actually paid during that year by the insurer by way of reinsurance to any other insurer who at the time of that payment was licensed under section twenty-seven of this Act, together with a statutory declaration by the insurer, or his manager, secretary or agent in this State that, to the best of his knowledge, information and belief, the return is a true return of that amount.

(ii)

Workers' Compensation (Amendment).

(ii) by omitting from subsection two of the same section the words "shall be liable to a penalty not exceeding ten dollars" and by inserting in lieu thereof the words "shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars".

(2) As from the commencement of this section, references in any Act or any statutory or other instrument or document to the fund constituted by section forty-one of the Principal Act shall be deemed to refer to the fund constituted by that section as substituted by this Act.

(3) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and seventy.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 24th November, 1970.