

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 March, 1975, A.M.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

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. This Act may be cited as the "Workers' Compensation Short title.
(Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 (2) Section 9 shall commence on such day as may be
appointed by the Governor in respect thereof and as may be
notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2),
this Act shall commence on such day as may be appointed by
15 the Governor in respect thereof and as may be notified by
proclamation published in the Gazette.

3. In this Act—

Interpre-
tation.

"appointed day" means the day appointed and notified
under section 2 (3);

20 "Principal Act" means the Workers' Compensation Act,
1926.

4. The Principal Act is amended by inserting after section
7 (4c) the following subsection :—

Amendment
of Act No.
15, 1926.
Sec. 7.

25 (4d) Where a worker, during a time when he is
engaged in employment of a kind prescribed by regula-
tions under this Act as an employment to which this
subsection applies, contracts a disease prescribed by
(Liability of
employers
to workers
for
injuries.)

those

Workers' Compensation (Amendment).

those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- 5 (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

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

Further amendment of Act No. 15, 1926. Sec. 8.

- 10 (a) (i) by omitting from section 8 (1) (a) the words "thirteen thousand two hundred and fifty dollars" and by inserting instead the matter "Compensation payments (Death).)"

- 15 (ii) by omitting from section 8 (1) (b) the words "seven dollars fifty cents" and by inserting instead the matter "\$11";

- 20 (iii) by omitting from section 8 (3) the words "three thousand seven hundred and fifty dollars" and by inserting instead the matter "\$5,600";

- (b) (i) by omitting from section 9 (1) (a) the words "forty-three dollars" and by inserting instead the matter "\$64";

Sec. 9. (Total or partial incapacity.)

- 25 (ii) by omitting from section 9 (1) (a) the word "male";

- (iii) by omitting from section 9 (1) (a) the words "twenty-eight dollars" and by inserting instead the matter "\$42";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 5 (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 10 (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
- 15 (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
- (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
- 20 (xi) by omitting section 9 (5);
- (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
- 25 (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
- 30 (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";
- (iv)

Sec. 16.
(Compensation for certain injuries.)

Workers' Compensation (Amendment).

(iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";

5 (v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof.. ..	10,500
	Loss of lower part of either arm, either hand, or five fingers	
15	of either hand	9,000
	Loss of a leg or of the greater part thereof.. ..	9,600
	Loss of the lower part of a leg	8,250
	Loss of a foot	8,000
	Loss of sight of one eye, with serious diminution of the	
20	sight of the other	9,600
	Loss of the sight of both eyes	13,500
	*Loss of sight of one eye	5,600
	Loss of hearing of both ears	8,250
	†Loss of hearing of one ear	3,900
25	‡Loss of power of speech	8,250
	Loss of a thumb	3,900
	Loss of a forefinger	2,600
	Loss of a joint of a thumb	2,400
	Loss of a little finger, middle finger or ring finger.. ..	1,350
30	Loss of a toe or the joint of a finger.. ..	1,200
	Loss of a joint of a toe	750
	Loss of a great toe	2,600
	Loss of joint of forefinger or of joint of great toe.. ..	1,350

35 * 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.

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.

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) (a) (ii) and subsection 1 (b) 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
5 entitled to weekly payments under the provisions of section 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to
10 weekly payments under any of those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section in respect of the
15 death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), for an
20 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 that day by
25 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 16 of the Principal Act, as enacted immediately before that day.

6. The Principal Act is further amended—

- 30 (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

Further
amendment
of Act No.
15, 1926.
Sec. 18.
(Compul-
sory
insurance.)

(b)

Workers' Compensation (Amendment).

(b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

5 (a) the regulations prescribe a form in or to the effect of which the statement shall be supplied; or

(b) the regulations require the statement to be verified in the manner specified in the regulations,

10

and the statement is not so supplied or verified.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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.

(2) Where a person is in receipt of compensation on the appointed day 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.

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

(4)

Workers' Compensation (Amendment).

(4) Subsection (3) applies only to and in respect of injuries received on or after the appointed day.

8. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

5 (a) by omitting from section 30A (21) (a) the words "the rates" and by inserting instead the words "the highest rates";

Sec. 30A. (Insurance Premiums Committee.)

(b) by inserting after section 30A (21) (b) (i) the following subparagraphs :—

10 (ia) fix the lowest rates of premium which insurers may accept for the issue or renewal of policies of insurance referred to in section 18;

15 (ib) fix the highest amounts which insurance brokers may accept by way of commission or other remuneration for their services in relation to such policies;

(c) by inserting in section 30A (21) (b) (iii) after the word "insurers" the words "or any insurance broker or class of insurance brokers";

20 (d) by inserting after section 30A (21) (b) the following paragraphs :—

25 (b1) The rates and amounts referred to in paragraph (b) (ia) and paragraph (b) (ib) may be fixed by reference to a percentage of premiums or in any other manner.

(b2) Any scheme referred to in paragraph (a) may make provisions that apply differently according to such factors as are specified in the scheme.

Workers' Compensation (Amendment).

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.
Schedule.

- 5 (a) by omitting from paragraph 6 (a) the figures
"12.00" and by inserting instead the figures
"20.00";
- (b) by omitting from paragraph 6 (a) the figures
"5.00" wherever occurring and by inserting instead
the figures "8.00";
- 10 (c) by omitting from paragraph 6 (b) the figures
"12.00" and by inserting instead the figures
"20.00";
- (d) by omitting from paragraph 6 (b) the figures
"5.00" where firstly occurring and by inserting
instead the figures "14.50";
- 15 (e) by omitting from paragraph 6 (b) the figures
"5.00" where secondly occurring and by inserting
instead the figures "8.00";
- 20 (f) by omitting from paragraph 6 (c) the figures
"10.00" and by inserting instead the figures
"20.00";
- (g) by omitting from paragraph 6A (b) the figures
"31.00" wherever occurring and by inserting
instead the figures "44.00";
- 25 (h) by omitting from paragraph 6A (b) the figures
"6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures
"15.00" and by inserting instead the figures "17.50".

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) extend to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

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

Amendment
of Act No.
14, 1942.

- 10 (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250";
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- 15 (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

Sec. 8.
(Certificate
of medical
authority.)

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, 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 Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

(3)

Workers' Compensation (Amendment).

(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect
5 of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

1408

No. , 1975.

A BILL

To increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

[MR MORRIS—18 March, 1975.]

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 :—

1. This Act may be cited as the "Workers' Compensation Short title. (Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 (2) Section 9 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by
15 the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. In this Act—

"appointed day" means the day appointed and notified under section 2 (3);

20 "Principal Act" means the Workers' Compensation Act, 1926.

4. The Principal Act is amended by inserting after section
7 (4c) the following subsection :—

25 (4D) Where a worker, during a time when he is engaged in employment of a kind prescribed by regulations under this Act as an employment to which this subsection applies, contracts a disease prescribed by

Interpre-
tation.

Amendment
of Act No.
15, 1926.
Sec. 7.

(Liability of
employers
to workers
for
injuries.)

those

Workers' Compensation (Amendment).

those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- 5 (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

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

Further
amendment
of Act No.
15, 1926.
Sec. 8.

- 10 (a) (i) by omitting from section 8 (1) (a) the words (Compensation payments (Death).)
“thirteen thousand two hundred and fifty dollars” and by inserting instead the matter
“\$20,000”;
- 15 (ii) by omitting from section 8 (1) (b) the words
“seven dollars fifty cents” and by inserting instead the matter “\$11”;
- 20 (iii) by omitting from section 8 (3) the words
“three thousand seven hundred and fifty dollars” and by inserting instead the matter
“\$5,600”;
- (b) (i) by omitting from section 9 (1) (a) the words Sec. 9.
“forty-three dollars” and by inserting instead (Total or partial incapacity.)
the matter “\$64”;
- 25 (ii) by omitting from section 9 (1) (a) the word
“male”;
- (iii) by omitting from section 9 (1) (a) the words
“twenty-eight dollars” and by inserting instead
the matter “\$42”;
- (iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 5 (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 10 (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
- 15 (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
- (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
- 20 (xi) by omitting section 9 (5);
- (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
- 25 (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
- 30 (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";
- (iv)

Sec. 16.
(Compensation for
certain
injuries.)

Workers' Compensation (Amendment).

(iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";

5 (v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof.. ..	10,500
	Loss of lower part of either arm, either hand, or five fingers	
15	of either hand	9,000
	Loss of a leg or of the greater part thereof.. ..	9,600
	Loss of the lower part of a leg	8,250
	Loss of a foot	8,000
	Loss of sight of one eye, with serious diminution of the	
20	sight of the other	9,600
	Loss of the sight of both eyes	13,500
	*Loss of sight of one eye	5,600
	Loss of hearing of both ears	8,250
	†Loss of hearing of one ear	3,900
25	‡Loss of power of speech	8,250
	Loss of a thumb	3,900
	Loss of a forefinger	2,600
	Loss of a joint of a thumb	2,400
	Loss of a little finger, middle finger or ring finger.. ..	1,350
30	Loss of a toe or the joint of a finger.. ..	1,200
	Loss of a joint of a toe	750
	Loss of a great toe	2,600
	Loss of joint of forefinger or of joint of great toe.. ..	1,350

35 * 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.

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.

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) (a) (ii) and subsection 1 (b) 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
5 entitled to weekly payments under the provisions of section 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to
10 weekly payments under any of those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section in respect of the
15 death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), for an
20 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 that day by
25 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 16 of the Principal Act, as enacted immediately before that day.

6. The Principal Act is further amended—

Further
amendment
of Act No.
15, 1926.
Sec. 18.

- 30 (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

(b)

Workers' Compensation (Amendment).

(b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

- 5 (a) the regulations prescribe a form in or to the effect of which the statement shall be supplied; or
- (b) the regulations require the statement to be verified in the manner specified in the regulations,

10

and the statement is not so supplied or verified.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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.

15

(2) Where a person is in receipt of compensation on the appointed day 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.

20

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

25

30

(4)

Workers' Compensation (Amendment).

(4) Subsection (3) applies only to and in respect of injuries received on or after the appointed day.

8. The Principal Act is further amended—

Further amendment of Act No. 15, 1926.

- 5 (a) by omitting from section 30A (21) (a) the words "the rates" and by inserting instead the words "the highest rates";
- (b) by inserting after section 30A (21) (b) (i) the following subparagraphs :—
 - 10 (ia) fix the lowest rates of premium which insurers may accept for the issue or renewal of policies of insurance referred to in section 18;
 - (ib) fix the highest amounts which insurance brokers may accept by way of commission or other remuneration for their services in relation to such policies;
- (c) by inserting in section 30A (21) (b) (iii) after the word "insurers" the words "or any insurance broker or class of insurance brokers";
- 20 (d) by inserting after section 30A (21) (b) the following paragraphs :—
 - (b1) The rates and amounts referred to in paragraph (b) (ia) and paragraph (b) (ib) may be fixed by reference to a percentage of premiums or in any other manner.
 - 25 (b2) Any scheme referred to in paragraph (a) may make provisions that apply differently according to such factors as are specified in the scheme.

Workers' Compensation (Amendment).

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.
Schedule.

- 5 (a) by omitting from paragraph 6 (a) the figures
"12.00" and by inserting instead the figures
"20.00";
- (b) by omitting from paragraph 6 (a) the figures
"5.00" wherever occurring and by inserting instead
the figures "8.00";
- 10 (c) by omitting from paragraph 6 (b) the figures
"12.00" and by inserting instead the figures
"20.00";
- (d) by omitting from paragraph 6 (b) the figures
"5.00" where firstly occurring and by inserting
instead the figures "14.50";
- 15 (e) by omitting from paragraph 6 (b) the figures
"5.00" where secondly occurring and by inserting
instead the figures "8.00";
- 20 (f) by omitting from paragraph 6 (c) the figures
"10.00" and by inserting instead the figures
"20.00";
- (g) by omitting from paragraph 6A (b) the figures
"31.00" wherever occurring and by inserting
instead the figures "44.00";
- 25 (h) by omitting from paragraph 6A (b) the figures
"6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures
"15.00" and by inserting instead the figures "17.50".

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) extend to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

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

Amendment
of Act No.
14, 1942.

- 10 (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250";
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- 15 (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

Sec. 8.
(Certificate
of medical
authority.)

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, 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 Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

(3)

Workers' Compensation (Amendment).

(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect
5 of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

Workers' Compensation (Amendment)

(3) The compensation provided by section 8 (28) (b) (i) of the Workers' Compensation (First Schedule) Act, 1947, as amended by subsection (1) (a), shall be payable in accordance with section 8 (28) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (28) (b) (i) of that Act was based happened, or was done or omitted to be done, on or after that day.

BY AUTHORITY

THE ATTORNEY GENERAL

[100]

WORKERS' COMPENSATION (AMENDMENT) BILL, 1975

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to amend the Workers' Compensation Act, 1926—
 - (i) to create a presumption, where a worker contracts a disease prescribed as an occupational disease related to the class of his employment, that the worker contracted that disease in the course of his employment and that his employment was a contributing factor to the disease;
 - (ii) to increase the lump sum payments of workers' compensation payable in respect of the death of a worker, certain weekly rates of workers' compensation payable in respect of total or partial incapacity and the lump sum payments of workers' compensation payable in respect of certain specified injuries;
 - (iii) to increase from \$50,000 to \$100,000 the common law workers' compensation insurance cover which, subject to any exemption given, every employer is required by that Act to obtain; and
 - (iv) to enable the Insurance Premiums Committee established under that Act to fix minimum premium rates as well as maximum premium rates and to fix maximum rates of brokerage charges payable to workers' compensation insurance brokers for their services;
 - (b) to amend the Workmen's Compensation (Broken Hill) Act, 1920, by increasing certain weekly rates of workers' compensation payable;
 - (c) to amend the Workers' Compensation (Dust Diseases) Act, 1942, by increasing the lump sum payment of compensation payable in respect of the death of a worker and by increasing certain weekly rates of workers' compensation payable; and
 - (d) by making other provisions of a consequential or ancillary nature.
-

No. , 1975.

A BILL

To increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.

[MR MORRIS—18 March, 1975.]

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. This Act may be cited as the "Workers' Compensation Short title.
(Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 (2) Section 9 shall commence on such day as may be
appointed by the Governor in respect thereof and as may be
notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2),
this Act shall commence on such day as may be appointed by
15 the Governor in respect thereof and as may be notified by
proclamation published in the Gazette.

3. In this Act—

Interpre-
tation.

"appointed day" means the day appointed and notified
under section 2 (3);

20 "Principal Act" means the Workers' Compensation Act,
1926.

4. The Principal Act is amended by inserting after section
7 (4c) the following subsection :—

Amendment
of Act No.
15, 1926.
Sec. 7.

25 (4D) Where a worker, during a time when he is
engaged in employment of a kind prescribed by regula-
tions under this Act as an employment to which this
subsection applies, contracts a disease prescribed by
(Liability of
employers
to workers
for
injuries.)

those

Workers' Compensation (Amendment).

those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- 5 (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

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

- 10 (a) (i) by omitting from section 8 (1) (a) the words "thirteen thousand two hundred and fifty dollars" and by inserting instead the matter "\$20,000";
- 15 (ii) by omitting from section 8 (1) (b) the words "seven dollars fifty cents" and by inserting instead the matter "\$11";
- 20 (iii) by omitting from section 8 (3) the words "three thousand seven hundred and fifty dollars" and by inserting instead the matter "\$5,600";
- (b) (i) by omitting from section 9 (1) (a) the words "forty-three dollars" and by inserting instead the matter "\$64";
- 25 (ii) by omitting from section 9 (1) (a) the word "male";
- (iii) by omitting from section 9 (1) (a) the words "twenty-eight dollars" and by inserting instead the matter "\$42";

Further
amendment
of Act No.
15, 1926.
Sec. 8.
(Compensation
payments
(Death).)

Sec. 9.
(Total or
partial
incapacity.)

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 5 (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- 10 (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- 15 (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
- (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
- 20 (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
- (xi) by omitting section 9 (5);
- 25 (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
- (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
- 30 (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";
- (iv)

Sec. 16.
(Compensation for
certain
injuries.)

Workers' Compensation (Amendment).

(iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";

5 (v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

10	Nature of Injury.	Amount payable.
		\$
	Loss of either arm, or of the greater part thereof.. ..	10,500
	Loss of lower part of either arm, either hand, or five fingers	
15	of either hand	9,000
	Loss of a leg or of the greater part thereof.. ..	9,600
	Loss of the lower part of a leg	8,250
	Loss of a foot	8,000
	Loss of sight of one eye, with serious diminution of the	
20	sight of the other	9,600
	Loss of the sight of both eyes	13,500
	*Loss of sight of one eye	5,600
	Loss of hearing of both ears	8,250
	†Loss of hearing of one ear	3,900
25	‡Loss of power of speech	8,250
	Loss of a thumb	3,900
	Loss of a forefinger	2,600
	Loss of a joint of a thumb	2,400
	Loss of a little finger, middle finger or ring finger.. ..	1,350
30	Loss of a toe or the joint of a finger.. ..	1,200
	Loss of a joint of a toe	750
	Loss of a great toe	2,600
	Loss of joint of forefinger or of joint of great toe.. ..	1,350

35 * 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.

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.

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) (a) (ii) and subsection 1 (b) 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
5 entitled to weekly payments under the provisions of section 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to
10 weekly payments under any of those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section in respect of the
15 death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), for an
20 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 that day by
25 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 16 of the Principal Act, as enacted immediately before that day.

6. The Principal Act is further amended—

- 30 (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

Further
amendment
of Act No.
15, 1926.
Sec. 18.
(Compul-
sory
insurance.)

(b)

Workers' Compensation (Amendment).

(b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

- 5 (a) the regulations prescribe a form in or to the effect of which the statement shall be supplied; or
- (b) the regulations require the statement to be verified in the manner specified in the regulations,
- 10

and the statement is not so supplied or verified.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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.

15

(2) Where a person is in receipt of compensation on the appointed day 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.

20

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

25

30

(4)

Workers' Compensation (Amendment).

(4) Subsection (3) applies only to and in respect of injuries received on or after the appointed day.

8. The Principal Act is further amended—

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

5 (a) by omitting from section 30A (21) (a) the words
“the rates” and by inserting instead the words “the
highest rates”;

(b) by inserting after section 30A (21) (b) (i) the
following subparagraphs :—

10 (ia) fix the lowest rates of premium which
insurers may accept for the issue or renewal
of policies of insurance referred to in section
18;

15 (ib) fix the highest amounts which insurance
brokers may accept by way of commission
or other remuneration for their services in
relation to such policies;

(c) by inserting in section 30A (21) (b) (iii) after the
word “insurers” the words “or any insurance broker
or class of insurance brokers”;

20 (d) by inserting after section 30A (21) (b) the
following paragraphs :—

25 (b1) The rates and amounts referred to in
paragraph (b) (ia) and paragraph (b) (ib) may
be fixed by reference to a percentage of premiums
or in any other manner.

(b2) Any scheme referred to in paragraph (a)
may make provisions that apply differently accord-
ing to such factors as are specified in the scheme.

Workers' Compensation (Amendment).

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.
Schedule.

- 5 (a) by omitting from paragraph 6 (a) the figures
"12.00" and by inserting instead the figures
"20.00";
- (b) by omitting from paragraph 6 (a) the figures
"5.00" wherever occurring and by inserting instead
the figures "8.00";
- 10 (c) by omitting from paragraph 6 (b) the figures
"12.00" and by inserting instead the figures
"20.00";
- (d) by omitting from paragraph 6 (b) the figures
"5.00" where firstly occurring and by inserting
instead the figures "14.50";
- 15 (e) by omitting from paragraph 6 (b) the figures
"5.00" where secondly occurring and by inserting
instead the figures "8.00";
- 20 (f) by omitting from paragraph 6 (c) the figures
"10.00" and by inserting instead the figures
"20.00";
- (g) by omitting from paragraph 6A (b) the figures
"31.00" wherever occurring and by inserting
instead the figures "44.00";
- 25 (h) by omitting from paragraph 6A (b) the figures
"6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures
"15.00" and by inserting instead the figures "17.50".

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) extend to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

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

Amendment
of Act No.
14, 1942.
Sec. 8.

- (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250";
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, 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 Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

(3)

Workers' Compensation (Amendment).

(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect
5 of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

Workers' Compensation (Amendment)

(3) The compensation prescribed by section 8 (2a) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1947, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2a) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2a) (b) (i) of that Act depends happened, or was done or suffered, before that day.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 44, 1975.

An Act to increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith. [Assented to, 18th April, 1975.]

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.

1. This Act may be cited as the "Workers' Compensation (Amendment) Act, 1975".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 9 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpre-
tation.

3. In this Act—

"appointed day" means the day appointed and notified under section 2 (3);

"Principal Act" means the Workers' Compensation Act, 1926.

Amendment
of Act No.
15, 1926.

Sec. 7.

(Liability of
employers
to workers
for
injuries.)

4. The Principal Act is amended by inserting after section 7 (4C) the following subsection:—

(4D) Where a worker, during a time when he is engaged in employment of a kind prescribed by regulations under this Act as an employment to which this subsection applies, contracts a disease prescribed by

those

Workers' Compensation (Amendment).

those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

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

Further
amendment
of Act No.
15, 1926.

- (a) (i) by omitting from section 8 (1) (a) the words "thirteen thousand two hundred and fifty dollars" and by inserting instead the matter "\$20,000"; Sec. 8.
(Compensation
payments
(Death).)
- (ii) by omitting from section 8 (1) (b) the words "seven dollars fifty cents" and by inserting instead the matter "\$11";
- (iii) by omitting from section 8 (3) the words "three thousand seven hundred and fifty dollars" and by inserting instead the matter "\$5,600";
- (b) (i) by omitting from section 9 (1) (a) the words "forty-three dollars" and by inserting instead the matter "\$64"; Sec. 9.
(Total or
partial
incapacity.)
- (ii) by omitting from section 9 (1) (a) the word "male";
- (iii) by omitting from section 9 (1) (a) the words "twenty-eight dollars" and by inserting instead the matter "\$42";

iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
- (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
- (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
- (xi) by omitting section 9 (5);

Sec. 16.
(Compensation for
certain
injuries.)

- (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
- (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
- (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";

(iv)

Workers' Compensation (Amendment).

(iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";

(v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

Nature of Injury.	Amount payable.
	\$
Loss of either arm, or of the greater part thereof.. ..	10,500
Loss of lower part of either arm, either hand, or five fingers of either hand	9,000
Loss of a leg or of the greater part thereof.. .. .	9,600
Loss of the lower part of a leg	8,250
Loss of a foot	8,000
Loss of sight of one eye, with serious diminution of the sight of the other	9,600
Loss of the sight of both eyes	13,500
*Loss of sight of one eye	5,600
Loss of hearing of both ears	8,250
†Loss of hearing of one ear	3,900
‡Loss of power of speech	8,250
Loss of a thumb	3,900
Loss of a forefinger	2,600
Loss of a joint of a thumb	2,400
Loss of a little finger, middle finger or ring finger.. ..	1,350
Loss of a toe or the joint of a finger.. .. .	1,200
Loss of a joint of a toe	750
Loss of a great toe	2,600
Loss of joint of forefinger or of joint of great toe.. ..	1,350

* 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) The amendments made by subsection (1) (a) (ii) and subsection 1 (b) 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 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, 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 those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section 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.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), 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 that 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 16 of the Principal Act, as enacted immediately before that day.

Further
amendment
of Act No.
15, 1926.

6. The Principal Act is further amended—

Sec. 18.
(Compul-
sory
insurance.)

- (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

(b)

Workers' Compensation (Amendment).

- (b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

- (a) the regulations prescribe a form in or to the effect of which the statement shall be supplied ; or
- (b) the regulations require the statement to be verified in the manner specified in the regulations,

and the statement is not so supplied or verified.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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.

(2) Where a person is in receipt of compensation on the appointed day 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.

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

(4)

Workers' Compensation (Amendment).

(4) Subsection (3) applies only to and in respect of injuries received on or after the appointed day.

Further
amendment
of Act No.
15, 1926.

8. The Principal Act is further amended—

Sec. 30A.
(Insurance
Premiums
Commit-
tee.)

- (a) by omitting from section 30A (21) (a) the words "the rates" and by inserting instead the words "the highest rates";
- (b) by inserting after section 30A (21) (b) (i) the following subparagraphs :—
 - (ia) fix the lowest rates of premium which insurers may accept for the issue or renewal of policies of insurance referred to in section 18;
 - (ib) fix the highest amounts which insurance brokers may accept by way of commission or other remuneration for their services in relation to such policies;
- (c) by inserting in section 30A (21) (b) (iii) after the word "insurers" the words "or any insurance broker or class of insurance brokers";
- (d) by inserting after section 30A (21) (b) the following paragraphs :—
 - (b1) The rates and amounts referred to in paragraph (b) (ia) and paragraph (b) (ib) may be fixed by reference to a percentage of premiums or in any other manner.
 - (b2) Any scheme referred to in paragraph (a) may make provisions that apply differently according to such factors as are specified in the scheme.

Workers' Compensation (Amendment).

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.
Schedule.

- (a) by omitting from paragraph 6 (a) the figures "12.00" and by inserting instead the figures "20.00";
- (b) by omitting from paragraph 6 (a) the figures "5.00" wherever occurring and by inserting instead the figures "8.00";
- (c) by omitting from paragraph 6 (b) the figures "12.00" and by inserting instead the figures "20.00";
- (d) by omitting from paragraph 6 (b) the figures "5.00" where firstly occurring and by inserting instead the figures "14.50";
- (e) by omitting from paragraph 6 (b) the figures "5.00" where secondly occurring and by inserting instead the figures "8.00";
- (f) by omitting from paragraph 6 (c) the figures "10.00" and by inserting instead the figures "20.00";
- (g) by omitting from paragraph 6A (b) the figures "31.00" wherever occurring and by inserting instead the figures "44.00";
- (h) by omitting from paragraph 6A (b) the figures "6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures "15.00" and by inserting instead the figures "17.50".

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) extend to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

Amendment
of Act No.
14, 1942.

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

Sec. 8.
(Certificate
of medical
authority.)

- (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250";
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, 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 Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

Workers' Compensation (Amendment).

(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

1. The first part of the report is a general statement of the purpose and scope of the study. It is followed by a brief review of the literature on the subject. The second part of the report is a description of the methods used in the study. This includes a description of the subjects, the materials, and the procedures. The third part of the report is a presentation of the results of the study. This includes a description of the data and a discussion of the findings. The fourth part of the report is a conclusion and a list of references.

THE UNIVERSITY OF CHICAGO

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 44, 1975.

An Act to increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith.
[Assented to, 18th April, 1975.]

BE

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

H. G. COATES,
Acting 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. 1. This Act may be cited as the "Workers' Compensation (Amendment) Act, 1975".

**Commence-
ment.** 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Section 9 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Interpre-
tation.**

3. In this Act—

"appointed day" means the day appointed and notified under section 2 (3);

"Principal Act" means the Workers' Compensation Act, 1926.

**Amendment
of Act No.
15, 1926.**

Sec. 7.

(Liability of
employers
to workers
for
injuries.)

4. The Principal Act is amended by inserting after section 7 (4c) the following subsection :—

(4D) Where a worker, during a time when he is engaged in employment of a kind prescribed by regulations under this Act as an employment to which this subsection applies, contracts a disease prescribed by

those

Workers' Compensation (Amendment).

those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

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

Further
amendment
of Act No.
15, 1926.

- (a) (i) by omitting from section 8 (1) (a) the words "thirteen thousand two hundred and fifty dollars" and by inserting instead the matter "\$20,000";

Sec. 8.
(Compensation
payments
(Death).)

- (ii) by omitting from section 8 (1) (b) the words "seven dollars fifty cents" and by inserting instead the matter "\$11";

- (iii) by omitting from section 8 (3) the words "three thousand seven hundred and fifty dollars" and by inserting instead the matter "\$5,600";

- (b) (i) by omitting from section 9 (1) (a) the words "forty-three dollars" and by inserting instead the matter "\$64";

Sec. 9.
(Total or
partial
incapacity.)

- (ii) by omitting from section 9 (1) (a) the word "male";

- (iii) by omitting from section 9 (1) (a) the words "twenty-eight dollars" and by inserting instead the matter "\$42";

(iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
- (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
- (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
- (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
- (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
- (xi) by omitting section 9 (5);

Sec. 16.
(Compensation for
certain
injuries.)

- (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
- (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
- (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";
- (iv)

Workers' Compensation (Amendment).

- (iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";
- (v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

Nature of Injury.	Amount payable.
	\$
Loss of either arm, or of the greater part thereof.. ..	10,500
Loss of lower part of either arm, either hand, or five fingers of either hand	9,000
Loss of a leg or of the greater part thereof.. .. .	9,600
Loss of the lower part of a leg	8,250
Loss of a foot	8,000
Loss of sight of one eye, with serious diminution of the sight of the other	9,600
Loss of the sight of both eyes	13,500
*Loss of sight of one eye	5,600
Loss of hearing of both ears	8,250
†Loss of hearing of one ear	3,900
‡Loss of power of speech	8,250
Loss of a thumb	3,900
Loss of a forefinger	2,600
Loss of a joint of a thumb	2,400
Loss of a little finger, middle finger or ring finger.. ..	1,350
Loss of a toe or the joint of a finger.. .. .	1,200
Loss of a joint of a toe	750
Loss of a great toe	2,600
Loss of joint of forefinger or of joint of great toe.. ..	1,350

* 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) The amendments made by subsection (1) (a) (ii) and subsection 1 (b) 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 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, 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 those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section 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.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), 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 that 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 16 of the Principal Act, as enacted immediately before that day.

Further
amendment
of Act No.
15, 1926.

Sec. 18.
(Compul-
sory
insurance.)

6. The Principal Act is further amended—

- (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

(b)

Workers' Compensation (Amendment).

(b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

- (a) the regulations prescribe a form in or to the effect of which the statement shall be supplied; or
- (b) the regulations require the statement to be verified in the manner specified in the regulations,

and the statement is not so supplied or verified.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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.

(2) Where a person is in receipt of compensation on the appointed day 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.

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

(4)

Workers' Compensation (Amendment).

(4) Subsection (3) applies only to and in respect of injuries received on or after the appointed day.

Further
amendment
of Act No.
15, 1926.

8. The Principal Act is further amended—

Sec. 30A.
(Insurance
Premiums
Commit-
tee.)

(a) by omitting from section 30A (21) (a) the words "the rates" and by inserting instead the words "the highest rates";

(b) by inserting after section 30A (21) (b) (i) the following subparagraphs :—

(ia) fix the lowest rates of premium which insurers may accept for the issue or renewal of policies of insurance referred to in section 18;

(ib) fix the highest amounts which insurance brokers may accept by way of commission or other remuneration for their services in relation to such policies;

(c) by inserting in section 30A (21) (b) (iii) after the word "insurers" the words "or any insurance broker or class of insurance brokers";

(d) by inserting after section 30A (21) (b) the following paragraphs :—

(b1) The rates and amounts referred to in paragraph (b) (ia) and paragraph (b) (ib) may be fixed by reference to a percentage of premiums or in any other manner.

(b2) Any scheme referred to in paragraph (a) may make provisions that apply differently according to such factors as are specified in the scheme.

9.

Workers' Compensation (Amendment).

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Amendment
of Act No.
36, 1920.
Schedule.

- (a) by omitting from paragraph 6 (a) the figures "12.00" and by inserting instead the figures "20.00";
- (b) by omitting from paragraph 6 (a) the figures "5.00" wherever occurring and by inserting instead the figures "8.00";
- (c) by omitting from paragraph 6 (b) the figures "12.00" and by inserting instead the figures "20.00";
- (d) by omitting from paragraph 6 (b) the figures "5.00" where firstly occurring and by inserting instead the figures "14.50";
- (e) by omitting from paragraph 6 (b) the figures "5.00" where secondly occurring and by inserting instead the figures "8.00";
- (f) by omitting from paragraph 6 (c) the figures "10.00" and by inserting instead the figures "20.00";
- (g) by omitting from paragraph 6A (b) the figures "31.00" wherever occurring and by inserting instead the figures "44.00";
- (h) by omitting from paragraph 6A (b) the figures "6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures "15.00" and by inserting instead the figures "17.50".

Workers' Compensation (Amendment).

(2) The amendments made by subsection (1) extend to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

Amendment
of Act No.
14, 1942.

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

Sec. 8.
(Certificate
of medical
authority.)

- (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250";
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, 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 Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

(3)

Workers' Compensation (Amendment).

(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

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

L. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 18th April, 1975.*

Workers' Compensation (Amendment)

(23) The compensation prescribed by section 8 (28) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (28) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (28) (b) (i) of that Act depends happened, or was done or suffered, before that day.

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

L. W. STREET,
 Lieutenant-Governor

Government House,
 Stanley, 15th April 1975.