

*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, 3 March, 1977.*

## New South Wales



ANNO VICESIMO SEXTO

# ELIZABETHÆ II REGINÆ

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Act No.       , 1977.

An Act to amend section 63 of the Workers' Compensation Act, 1926.

BE



*Workers' Compensation (Amendment).*

**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. This Act may be cited as the "Workers' Compensation (Amendment) Act, 1977". Short title.

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

10 (a) by inserting in section 63 (3) (a) after the words "in this paragraph" the words "and in subsection (3A)"; Sec. 63. (Negligence.)

(b) by inserting after section 63 (3) the following subsection:—

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(3A) Subsection (3) does not apply to—

15 (a) proceedings in respect of an injury received after the commencement of the Workers' Compensation (Amendment) Act, 1977; or

20 (b) proceedings in respect of an injury received before that commencement, but only if—

25 (i) the prescribed period (together with any extension thereof granted under that subsection in relation to that injury before that commencement); and

(ii)



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*Workers' Compensation (Amendment).*

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(ii) the period within which an application for such an extension was authorised to be made under that subsection,

5 had not expired before that commencement.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]



185

THE UNIVERSITY OF CHICAGO

IN THE period which has  
elapsed since the  
admission of the  
State of Illinois

and the  
State of Wisconsin

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THE UNIVERSITY OF CHICAGO

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Workers' Compensation (Amendment)

It is 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, that Parliament extended, and by the authority of the same, as follows:—

1. This Act may be cited as the "Workers' Compensation Amendment (Amendment) Act, 1977."

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

(a) by inserting in section 63 (6) (a) after the words "and in subsection (3A)" the words "and in subsection (3A)";

(b) by inserting after the following

No. , 1977.

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# A BILL

To amend section 63 of the Workers' Compensation Act, 1926.

[MR F. J. WALKER—2 March, 1977.]

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BE



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*Workers' Compensation (Amendment).*

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

1. This Act may be cited as the "Workers' Compensation (Amendment) Act, 1977".

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

Amendment  
of Act No.  
15, 1926.  
Sec. 63.  
(Negli-  
gence.)

10 (a) by inserting in section 63 (3) (a) after the words "in this paragraph" the words "and in subsection (3A)";

(b) by inserting after section 63 (3) the following subsection:—

(3A) Subsection (3) does not apply to—

15 (a) proceedings in respect of an injury received after the commencement of the Workers' Compensation (Amendment) Act, 1977; or

20 (b) proceedings in respect of an injury received before that commencement, but only if—

25 (i) the prescribed period (together with any extension thereof granted under that subsection in relation to that injury before that commencement); and

(ii)



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*Workers' Compensation (Amendment).*

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(ii) the period within which an application for such an extension was authorised to be made under that subsection,

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had not expired before that commencement.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]







*PROOF*

**WORKERS' COMPENSATION (AMENDMENT) BILL, 1977**

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**EXPLANATORY NOTE**

THE object of this Bill is to remove the special period of limitation of 3 years (or longer in some cases) within which common law proceedings must be brought for an injury to a worker who has received, in respect of the injury, a payment by way of compensation under the Workers' Compensation Act, 1926. The special period will continue to operate in respect of proceedings already barred.

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PROOF

WHEATON - DALLAS - SALINITY (AMENDED) - JULY 1977

LABORATORY NOTE

The following information is for the use of the analyst in the laboratory. It is intended to provide a general overview of the procedures and methods used in the analysis of the samples. The analyst should refer to the appropriate sections of the manual for detailed instructions.



No. , 1977.

# A BILL

To amend section 63 of the Workers' Compensation Act, 1926.

[Mr F. J. WALKER—2 March, 1977.]

BE



*Workers' Compensation (Amendment).*

**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. This Act may be cited as the "Workers' Compensation Short title. (Amendment) Act, 1977".

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

Amendment of Act No. 15, 1926. Sec. 63. (Negligence.)

10 (a) by inserting in section 63 (3) (a) after the words "in this paragraph" the words "and in subsection (3A)";

(b) by inserting after section 63 (3) the following subsection :—

(3A) Subsection (3) does not apply to—

15 (a) proceedings in respect of an injury received after the commencement of the Workers' Compensation (Amendment) Act, 1977; or

20 (b) proceedings in respect of an injury received before that commencement, but only if—

25 (i) the prescribed period (together with any extension thereof granted under that subsection in relation to that injury before that commencement); and

(ii)



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*Workers' Compensation (Amendment).*

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(ii) the period within which an application for such an extension was authorised to be made under that subsection,

5                    had not expired before that commencement.



Act No. 1977

Workers' Compensation (Amendment)

(ii) the period within which an application for such an extension was authorized to be made under that subsection.

had not expired before that amendment.

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BY AUTHORITY OF THE GOVERNOR OF THE STATE OF TEXAS



New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

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Act No. 15, 1977.

An Act to amend section 63 of the Workers' Compensation Act, 1926. [Assented to, 17th March, 1977.]

BE



*Workers' Compensation (Amendment).*

**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:—

Short title.      **1.** This Act may be cited as the "Workers' Compensation (Amendment) Act, 1977".

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

Sec. 63. (Negligence.)      (a) by inserting in section 63 (3) (a) after the words "in this paragraph" the words "and in subsection (3A)";

(b) by inserting after section 63 (3) the following subsection:—

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(3A) Subsection (3) does not apply to—

(a) proceedings in respect of an injury received after the commencement of the Workers' Compensation (Amendment) Act, 1977; or

(b) proceedings in respect of an injury received before that commencement, but only if—

(i) the prescribed period (together with any extension thereof granted under that subsection in relation to that injury before that commencement); and

(ii)



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*Workers' Compensation (Amendment).*

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(ii) the period within which an application for such an extension was authorised to be made under that subsection,

had not expired before that commencement.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



Work vs. Compensation (Amendment)

(ii) the period within which an application for such an extension was authorised to be made under that subsection,

had not expired before that commencement.



*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, 10 March, 1977.*

## New South Wales



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 15, 1977.**

An Act to amend section 63 of the Workers' Compensation Act, 1926. [Assented to, 17th March, 1977.]

BE

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



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*Workers' Compensation (Amendment).*

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

Short title.      **1.** This Act may be cited as the "Workers' Compensation (Amendment) Act, 1977".

Amendment  
of Act No.  
15, 1926.  
Sec. 63.  
(Negli-  
gence.)      **2.** The Workers' Compensation Act, 1926, is amended—

(a) by inserting in section 63 (3) (a) after the words "in this paragraph" the words "and in subsection (3A)";

(b) by inserting after section 63 (3) the following subsection :—

(3A) Subsection (3) does not apply to—

(a) proceedings in respect of an injury received after the commencement of the Workers' Compensation (Amendment) Act, 1977; or

(b) proceedings in respect of an injury received before that commencement, but only if—

(i) the prescribed period (together with any extension thereof granted under that subsection in relation to that injury before that commencement); and

(ii)



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*Workers' Compensation (Amendment).*

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(ii) the period within which an application for such an extension was authorised to be made under that subsection,

had not expired before that commencement.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 17th March, 1977.*







**WORKERS' COMPENSATION (DUST DISEASES)  
AMENDMENT ACT, 1977**

**New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 123, 1977.**

An Act to amend the Workers' Compensation (Dust Diseases) Act, 1942, so as to increase workers' compensation payable under that Act and to provide for the indexation of certain weekly payments of compensation under that Act. [Assented to, 9th December, 1977.]



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*Workers' Compensation (Dust Diseases) Amendment.*

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**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 (Dust Diseases) Amendment Act, 1977".

**Schedules.**      **2.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.

SCHEDULE 2.—TRANSITIONAL AND SAVINGS PROVISIONS.

**Amendment of Act No. 14, 1942.**      **3.** The Workers' Compensation (Dust Diseases) Act, 1942, is amended in the manner set forth in Schedule 1.

**Transitional and savings provisions.**      **4.** Schedule 2 has effect.

Sec. 3.

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SCHEDULE 1.

AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.

(1) Section 8 (2B) (b) (i)—

Omit "\$8,250", insert instead "\$10,300".

(2) Section 8 (2B) (b) (ii)—

Omit "\$37.50", insert instead "\$46.50".



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*Workers' Compensation (Dust Diseases) Amendment.*

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**SCHEDULE 1—*continued.***

**AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942—*continued.***

(3) Section 8 (2B) (b) (iii)—

Omit "\$11", insert instead "\$14".

(4) Section 8 (3), (3A)—

After "9" wherever occurring, insert ", 9A".

(5) Section 8 (3)—

At the end of the subsection, insert :—

For the purposes of the application of section 9A of the Principal Act in accordance with the foregoing provisions of this subsection—

(a) a reference in that section to an adjustable amount includes a reference to each of the amounts of \$46.50 and \$14 referred to in subsection (2B) (b) (ii) or (iii); and

(b) subsection (3) of that section shall be read and construed as requiring the references in this section to those amounts to be read and construed in accordance with that subsection as applied by this subsection.

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**SCHEDULE 2.**

**Sec. 4.**

**TRANSITIONAL AND SAVINGS PROVISIONS.**

1. Where, at the date of assent to this Act, a worker is disabled, his weekly entitlement shall on and from that date and until he first ceases to be disabled after that date, be—

(a) notwithstanding any other provision of this Act, his weekly entitlement immediately before that date; or



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*Workers' Compensation (Dust Diseases) Amendment.*

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SCHEDULE 2—*continued.*

TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

(b) his weekly entitlement under the Workers' Compensation (Dust Diseases) Act, 1942, after that date, whichever is the greater.

2. The weekly payments prescribed by the Workers' Compensation (Dust Diseases) Act, 1942, by reference to the Principal Act, as amended by the Workers' Compensation (Rates) Amendment Act, 1977, are payable, on and from the date of assent to this Act, in respect of all persons who immediately before that date were in receipt of or entitled to weekly payments under the 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 becoming entitled to weekly payments under any of those provisions on or after that date.

3. The weekly payments prescribed by section 8 (2B) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, are payable, on and from the date of assent to this Act, in respect of all persons who, immediately before that date, 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 that Act, as so amended, on or after that date.

4. The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, shall be payable in accordance with section 8 (2B) (b) (i) of that Act, as so amended, in respect of the death of a person on or after the date of assent to this Act, 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 date.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978



*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, 2 December, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 123, 1977.**

An Act to amend the Workers' Compensation (Dust Diseases) Act, 1942, so as to increase workers' compensation payable under that Act and to provide for the indexation of certain weekly payments of compensation under that Act. [Assented to, 9th December, 1977.]

**BE**

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



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*Workers' Compensation (Dust Diseases) Amendment.*

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**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 (Dust Diseases) Amendment Act, 1977".

**Schedules.** 2. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.

SCHEDULE 2.—TRANSITIONAL AND SAVINGS PROVISIONS.

**Amendment of Act No. 14, 1942.** 3. The Workers' Compensation (Dust Diseases) Act, 1942, is amended in the manner set forth in Schedule 1.

**Transitional and savings provisions.** 4. Schedule 2 has effect.

Sec. 3.

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**SCHEDULE 1.**

**AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.**

(1) Section 8 (2B) (b) (i)—

Omit "\$8,250", insert instead "\$10,300".

(2) Section 8 (2B) (b) (ii)—

Omit "\$37.50", insert instead "\$46.50".

**SCHEDULE**



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*Workers' Compensation (Dust Diseases) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942—*continued.*

(3) Section 8 (2B) (b) (iii)—

Omit "\$11", insert instead "\$14".

(4) Section 8 (3), (3A)—

After "9" wherever occurring, insert ", 9A".

(5) Section 8 (3)—

At the end of the subsection, insert :—

For the purposes of the application of section 9A of the Principal Act in accordance with the foregoing provisions of this subsection—

(a) a reference in that section to an adjustable amount includes a reference to each of the amounts of \$46.50 and \$14 referred to in subsection (2B) (b) (ii) or (iii); and

(b) subsection (3) of that section shall be read and construed as requiring the references in this section to those amounts to be read and construed in accordance with that subsection as applied by this subsection.

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SCHEDULE 2.

Sec. 4.

TRANSITIONAL AND SAVINGS PROVISIONS.

1. Where, at the date of assent to this Act, a worker is disabled, his weekly entitlement shall on and from that date and until he first ceases to be disabled after that date, be—

(a) notwithstanding any other provision of this Act, his weekly entitlement immediately before that date; or

SCHEDULE



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*Workers' Compensation (Dust Diseases) Amendment.*

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SCHEDULE 2—*continued.*TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

(b) his weekly entitlement under the Workers' Compensation (Dust Diseases) Act, 1942, after that date, whichever is the greater.

2. The weekly payments prescribed by the Workers' Compensation (Dust Diseases) Act, 1942, by reference to the Principal Act, as amended by the Workers' Compensation (Rates) Amendment Act, 1977, are payable, on and from the date of assent to this Act, in respect of all persons who immediately before that date were in receipt of or entitled to weekly payments under the 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 becoming entitled to weekly payments under any of those provisions on or after that date.

3. The weekly payments prescribed by section 8 (2B) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, are payable, on and from the date of assent to this Act, in respect of all persons who, immediately before that date, 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 that Act, as so amended, on or after that date.

4. The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, shall be payable in accordance with section 8 (2B) (b) (i) of that Act, as so amended, in respect of the death of a person on or after the date of assent to this Act, 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 date.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 9th December, 1977.*