

WORKERS' COMPENSATION (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to extend the period during which certain persons engaged in sporting or athletic contests are to be excluded from the operation of the Workers' Compensation Act, 1926;
 - (b) to re-express the method by which the indexation of certain amounts payable under that Act is to be calculated;
 - (c) to provide for certain payments to insurers from the Insurers' Contribution Fund;
 - (d) to amend the method of calculating certain transitional adjustments of insurance premiums; and
 - (e) to make other amendments of a consequential or ancillary nature.
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WORKERS COMPENSATION (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This explanatory note relates to the Bill as introduced in Parliament.)

- The purpose of the Bill is to—
- (a) to amend the law relating to workers engaged in sporting activities, and to extend the provisions of the Workers Compensation Act, 1926, to such workers;
 - (b) to increase the benefits payable to certain persons engaged in sporting activities, and to extend the provisions of the Workers Compensation Act, 1926, to such persons;
 - (c) to provide for certain persons engaged in sporting activities to be treated as workers for the purposes of the Workers Compensation Act, 1926;
 - (d) to amend the law relating to the payment of benefits to persons engaged in sporting activities, and to extend the provisions of the Workers Compensation Act, 1926, to such persons;
 - (e) to make other amendments of a consequential or ancillary nature.

**WORKERS' COMPENSATION (AMENDMENT) BILL,
1978**

No. , 1978.

A BILL FOR

**An Act to amend the Workers' Compensation Act, 1926, and
the Workers' Compensation (Rates) Amendment Act, 1977.**

[MR F. J. WALKER—2 March, 1978.]

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 :—

5 **1.** This Act may be cited as the "Workers' Compensation (Amendment) Act, 1978". Short title.

2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act. Commence-
ment.

 (2) Section 3 (a) shall be deemed to have commenced
10 on 28th February, 1978.

 (3) Section 3 (b) and (d) and section 4 shall be deemed to have commenced on 9th December, 1977.

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

- 15 (a) by omitting from paragraph (g) of the definition of "Worker" in section 6 (1) the matter "1st March" and by inserting instead the matter "31st December"; Sec. 6.
(Defini-
tions.)
- (b) by inserting in section 9 (13) (a) after the word "award" where secondly occurring the words "or industrial agreement"; Sec. 9.
(Total or
partial in-
capacity.)
- 20 (c) by omitting section 9A (2) and (3) and by inserting instead the following subsections :— Sec. 9A.
(Indexation
of amounts.)

25 (2) On and from each adjustment date until immediately before the next succeeding adjustment date, a reference in section 8 (1) (b) or 9 (1) (a), (b) or (c) or (4) to an amount that is an adjustable amount shall be construed as a reference to an amount that bears to that adjustable amount the same proportion as the latest weekly rate for the firstmentioned adjustment date bears to the base rate.

Workers' Compensation (Amendment).

5 (3) Where a reference to an adjustable amount as construed in accordance with subsection (2) would, but for this subsection, be expressed as including an amount in cents that is not a whole number of cents divisible by 10 without remainder, that amount—

- (a) shall be disregarded if it is less than 5 cents;
- 10 (b) shall, if it is a whole number of cents divisible by 5 without remainder, be reckoned as the next higher whole number of cents that is divisible by 10 without remainder; or
- (c) shall, if it is not referred to in paragraph (a) or (b), be reckoned as the nearest whole number of cents that is divisible by 10 without remainder.

15 (4) On or before each adjustment date the Registrar of the Commission shall, by notice published in the Gazette, declare the amount at which each adjustable amount is to be construed in accordance with subsections (2) and (3) on and from that adjustment date until
20 immediately before the next succeeding adjustment date.

- (d) (i) by omitting from section 30K (1A) (b) the words "amount in respect" and by inserting instead the word "proportion";
- 25 (ii) by omitting section 30K (2A) and by inserting instead the following subsection :—

Sec. 30K.
(Payments from the Contribution Fund.)

(2A) The prescribed proportion referred to in subsection (1A) (b) is—

- 30 (a) except as provided in paragraph (b)—the proportion agreed upon between the insurer referred to in that subsection and the Government Insurance Office; or

Workers' Compensation (Amendment).

- (b) in the absence of agreement, or where that insurer is the Government Insurance Office—the proportion that the difference between—
- 5 (i) the rate of weekly compensation that was payable, immediately before the redemption, in respect of the injury; and
- 10 (ii) the rate of weekly compensation that would then have been so payable if the Workers' Compensation (Amendment) Act, 1975, and the Workers' Compensation (Rates) Amendment Act, 1977, had not been enacted,
- 15 bears to the rate of weekly compensation referred to in subparagraph (i).

4. Schedule 2 to the Workers' Compensation (Rates) Amendment Act, 1977, is amended—

Amendment
of Act No.
124, 1977,
Schedule 2.

- (a) by inserting in clause 7 (1) after the word "indemnity" the words "whether or not";
- 20 (b) by omitting from clause 7 (1) the matter "clause 7" and by inserting instead the matter "clause 6";
- (c) by omitting clause 7 (2) and by inserting instead :—
- (2) Where, immediately before the date of assent to this Act, a policy of insurance or indemnity against liability under the Principal Act was in force for a period that expires after that date and the amount of the premium attributable to the unexpired portion of the period of the policy was less than the prescribed amount for the policy, the insurer may increase the amount of the premium so attributable to an amount that does not
- 25 exceed the lesser of—
- 30 (a) that prescribed amount; and
- (b) the premium so attributable, increased by 15 per centum.

Workers' Compensation (Amendment).

5 In this subclause "prescribed amount" in relation to a
policy of insurance or indemnity means an amount equal
to the amount of premium attributable to the unexpired
portion of the period of the policy calculated by refer-
ence to the rate of premium that is recommended for the
policy by The New South Wales Workers' Compensation
Rates of Premium Scheme, 1976, as amended by The
New South Wales Workers' Compensation Rates of
Premium (Amendment) Scheme, 1976, increased by 10
10 per centum.

BY AUTHORITY

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

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United States (Continued)

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**WORKERS' COMPENSATION (AMENDMENT) ACT,
1978, No. 27**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 27, 1978.

An Act to amend the Workers' Compensation Act, 1926, and
the Workers' Compensation (Rates) Amendment Act, 1977.
[Assented to, 22nd March, 1978.]

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, 1978".

Commence- **2.** (1) Except as provided in subsections (2) and (3), this
ment. Act shall commence on the date of assent to this Act.

(2) Section 3 (a) shall be deemed to have commenced on 28th February, 1978.

(3) Section 3 (b) and (d) and section 4 shall be deemed to have commenced on 9th December, 1977.

Amendment **3.** The Workers' Compensation Act, 1926, is amended—
of Act No.
15, 1926,

Sec. 6. (a) by omitting from paragraph (g) of the definition of
(Defini- "Worker" in section 6 (1) the matter "1st March" and
tions.) by inserting instead the matter "31st December";

Sec. 9. (b) by inserting in section 9 (13) (a) after the word
(Total or "award" where secondly occurring the words "or
partial in- industrial agreement";

Sec. 9A. (c) by omitting section 9A (2) and (3) and by inserting
(Indexation instead the following subsections :—
of amounts.)

(2) On and from each adjustment date until immediately before the next succeeding adjustment date, a reference in section 8 (1) (b) or 9 (1) (a), (b) or (c) or (4) to an amount that is an adjustable amount shall be construed as a reference to an amount that bears to that adjustable amount the same proportion as the latest weekly rate for the firstmentioned adjustment date bears to the base rate.

Workers' Compensation (Amendment).

(3) Where a reference to an adjustable amount as construed in accordance with subsection (2) would, but for this subsection, be expressed as including an amount in cents that is not a whole number of cents divisible by 10 without remainder, that amount—

- (a) shall be disregarded if it is less than 5 cents;
- (b) shall, if it is a whole number of cents divisible by 5 without remainder, be reckoned as the next higher whole number of cents that is divisible by 10 without remainder; or
- (c) shall, if it is not referred to in paragraph (a) or (b), be reckoned as the nearest whole number of cents that is divisible by 10 without remainder.

(4) On or before each adjustment date the Registrar of the Commission shall, by notice published in the Gazette, declare the amount at which each adjustable amount is to be construed in accordance with subsections (2) and (3) on and from that adjustment date until immediately before the next succeeding adjustment date.

- (d) (i) by omitting from section 30K (1A) (b) the words "amount in respect" and by inserting instead the word "proportion";
- (ii) by omitting section 30K (2A) and by inserting instead the following subsection :—

Sec. 30K.
(Payments
from the
Contribution
Fund.)

(2A) The prescribed proportion referred to in subsection (1A) (b) is—

- (a) except as provided in paragraph (b)—the proportion agreed upon between the insurer referred to in that subsection and the Government Insurance Office; or

Workers' Compensation (Amendment).

(b) in the absence of agreement, or where that insurer is the Government Insurance Office—the proportion that the difference between—

(i) the rate of weekly compensation that was payable, immediately before the redemption, in respect of the injury; and

(ii) the rate of weekly compensation that would then have been so payable if the Workers' Compensation (Amendment) Act, 1975, and the Workers' Compensation (Rates) Amendment Act, 1977, had not been enacted,

bears to the rate of weekly compensation referred to in subparagraph (i).

Amendment
of Act No.
124, 1977,
Schedule 2.

4. Schedule 2 to the Workers' Compensation (Rates) Amendment Act, 1977, is amended—

- (a) by inserting in clause 7 (1) after the word "indemnity" the words "whether or not";
- (b) by omitting from clause 7 (1) the matter "clause 7" and by inserting instead the matter "clause 6";
- (c) by omitting clause 7 (2) and by inserting instead :—

(2) Where, immediately before the date of assent to this Act, a policy of insurance or indemnity against liability under the Principal Act was in force for a period that expires after that date and the amount of the premium attributable to the unexpired portion of the period of the policy was less than the prescribed amount for the policy, the insurer may increase the amount of the premium so attributable to an amount that does not exceed the lesser of—

- (a) that prescribed amount; and
- (b) the premium so attributable, increased by 15 per centum.

Workers' Compensation (Amendment).

In this subclause "prescribed amount" in relation to a policy of insurance or indemnity means an amount equal to the amount of premium attributable to the unexpired portion of the period of the policy calculated by reference to the rate of premium that is recommended for the policy by The New South Wales Workers' Compensation Rates of Premium Scheme, 1976, as amended by The New South Wales Workers' Compensation Rates of Premium (Amendment) Scheme, 1976, increased by 10 per centum.

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

A. R. CUTLER,
Governor

*Government House,
Sydney, 22nd March, 1978.*

Workers' Compensation (Amendment)

In this subtitle "prescribed amount" in relation to a policy or insurance or indemnity means an amount equal to the amount of premium attributable to the prescribed portion of the period of the policy calculated by reference to the rate of premium that is recommended for the policy by the New South Wales Workers' Compensation Rates of Premium Scheme 1976 as amended by the New South Wales Workers' Compensation Rates of Premium (Amendment) Scheme 1976 increased by 10 per centum.

In the terms and on behalf of Her Majesty I enact in this Act

A. R. CUTLER

Governor

(Government House)

Sydney, 22nd March 1978

BY AUTHORITY

IN WITNESS WHEREOF I HEREBY SET MY HAND AND SEAL AT SYDNEY



