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, 1 December, 1977.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen and to provide for the indexation of certain weekly payments of compensation under that Act.

BE

15 4. Schedule 2 has effect.

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 "Workmen's Short title. Compensation (Broken Hill) Amendment Act, 1977".
 - 2. This Act contains the following Schedules:—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL)

ACT, 1920.

SCHEDULE 2.—Transitional and Savings Provisions.

- 3. The Workmen's Compensation (Broken Hill) Act, Amend1920, is amended in the manner set forth in Schedule 1. ment of
 Act No. 36,
 1920.
- 15 4. Schedule 2 has effect.

Transitional and savings provisions.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

(1) Paragraph 5A-

5 After paragraph 5, insert :—

- 5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—
 - (i) the mine worker were a worker as defined in the Workers' Compensation Act, 1926;
 - (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
 - (iii) the compensation were payable for incapacity for work resulting from such an injury.
- (b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

SCHEDULE

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SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

(c) Where compensation is payable in respect of a mine worker under subparagraph (a), no compensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme.

(2) (a) Paragraph 6 (1) (a)—

Omit "8.00" wherever occurring, insert instead "9.50".

- (b) Paragraph 6 (1) (b)—
 Omit "8.00", insert instead "9.50".
- (3) (a) Paragraph 6A (b) (i), (ii)—

 Omit "44" wherever occurring, insert instead "63".
 - (b) Paragraph 6A (b) (ii)—
 Omit "1.50", insert instead "4.50".
- (c) Paragraph 6A (b) (iii)—
 20 Omit "17.50", insert instead "26.50".
 - (4) Paragraph 6c-

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After paragraph 6B, insert :-

6c. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

SCHEDULE 2.

Sec. 4.

TRANSITIONAL AND SAVINGS PROVISIONS.

- 10 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
- 15 (b) his weekly entitlement under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, whichever is the greater.
- 2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, are payable, 20 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 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 date.

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AMENDMENTS TO THE SCHEDILE TO THE WORKMEN'S COMPRESSION CHROSEN HILL) ACT, 1920—commend.

section, and as if a reference in this scheme to any such amount were required to be read and construct in accordance with subsection (3) of that section a applied by this paragraph.

SCHEDULE 2.

Sec. 4.

TRANSPION OF AND SAVINGS PROVISIONS.

- (a) I. 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 easier to be disabled after that date, here.
- (a) polwithstanding any other provision of this Act. his weekly continuent in a clausity before that date; or
- 15 (a) the vorker softlement make the Werkmen's Compensation (Broken 1917) Aug 1920 as amended Schleis Act.
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- 2. The weekly formants presquiet by the Workmen's Comparsed that (Broken Hill) Act. 1920, as emended by this Act. are payable 20 on and from the date of securit to this Act. in respect of all params who, immediately 5.15% share date, and in regards of or cutified to compare mind, under the Workman's Compared of (Broken's).

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WORKMEN'S COMPENSATION (BROKEN HILL) AMENDMENT BILL, 1977

No. , 1977.

A BILL FOR

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen and to provide for the indexation of certain weekly payments of compensation under that Act.

[MR F. J. WALKER-30 November, 1977.]

BE

OI

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 "Workmen's Short title. Compensation (Broken Hill) Amendment Act, 1977".
 - 2. This Act contains the following Schedules:— Schedules.

SCHEDULE 1.—Amendments to the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920.

SCHEDULE 2.—Transitional and Savings Provisions.

- 3. The Workmen's Compensation (Broken Hill) Act, Amend1920, is amended in the manner set forth in Schedule 1.

 Ment of Act No. 36, 1920.
- 15 4. Schedule 2 has effect.

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Transitional and savings provisions.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

(1) Paragraph 5A—

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After paragraph 5, insert :—

5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—

- (i) the mine worker were a worker as defined in the Workers' Compensation Act, 1926;
- (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
- (iii) the compensation were payable for incapacity for work resulting from such an injury.

(b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

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SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

- (c) Where compensation is payable in respect of a mine worker under subparagraph (a), no compensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme.
 - (2) (a) Paragraph 6 (1) (a)—
- Omit "8.00" wherever occurring, insert instead "9.50".
 - (b) Paragraph 6 (1) (b)—
 Omit "8.00", insert instead "9.50".
- (3) (a) Paragraph 6A (b) (i), (ii)—

 15 Omit "44" wherever occurring, insert instead "63".
 - (b) Paragraph 6A (b) (ii)—
 Omit "1.50", insert instead "4.50".
- (c) Paragraph 6A (b) (iii)—
 20 Omit "17.50", insert instead "26.50".
 - (4) Paragraph 6c—

After paragraph 6B, insert :-

6c. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

SCHEDULE 2.

Sec. 4.

TRANSITIONAL AND SAVINGS PROVISIONS.

- 10 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
- (b) his weekly entitlement under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, whichever is the greater.
- 2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, are payable, 20 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 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 date.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[8c]

Act No. 4,1977.

Horkingers Companyation (Barken EEI) Amendment.

SCHEDULE 1-commu

AMENDMEN'S TO THE SQUIDDLE TO THE WORKNER'S COMPRISE HOLD ACT 1920—confinued.

section, and as if a reference in this scheme to any such amount were required to be read and construed its accordance with subsection (3), of that section as applied by this paragraph:

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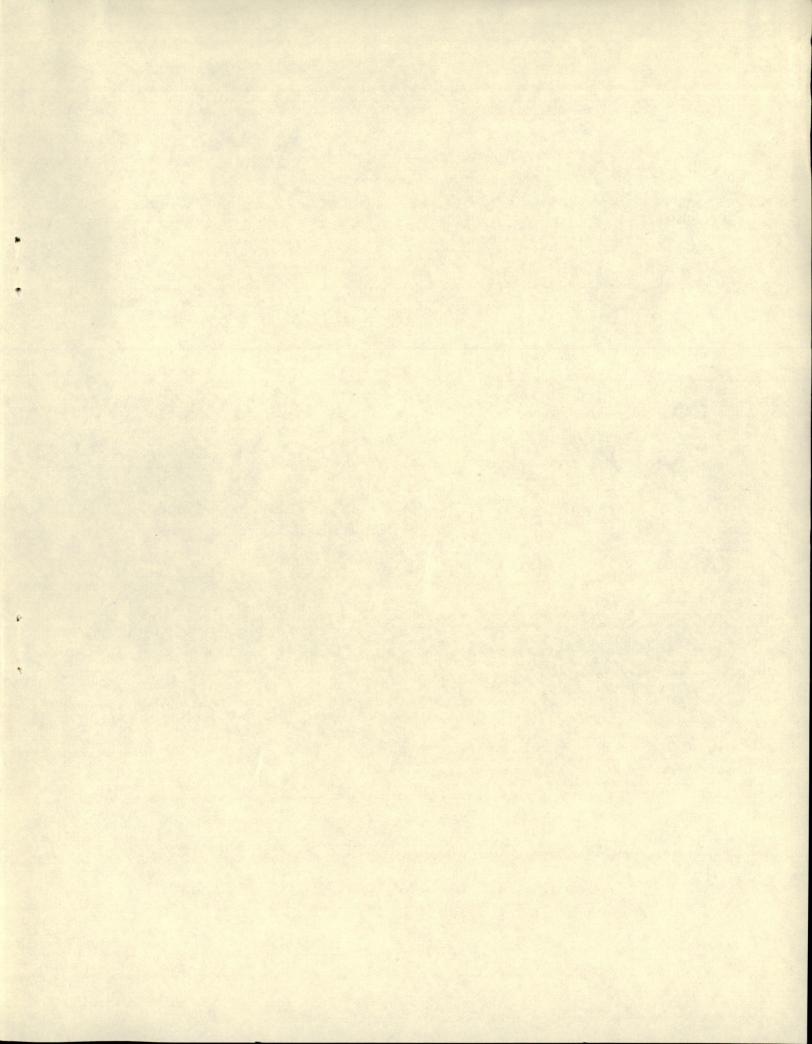
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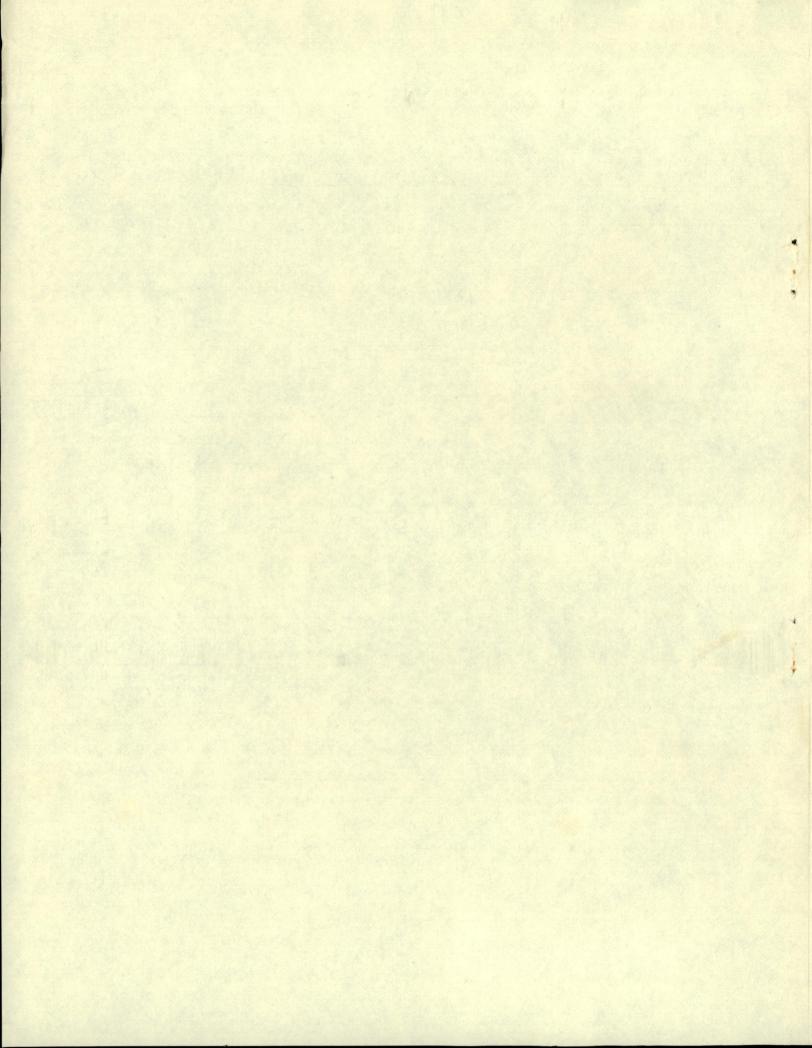
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- 10 1. Where at the date of user of the this Act. a worker is disabled, the world with another and short on and those that date and until he first a reads or to duration of the first because the date and the first three controls are a superior of the control of
- (a) note ithermainer aire other prosition of this Act, his workly be interacted introductly horocerthal date; one proceeding
- 15 C. (b) his workly collisional notice his Workman's Companying and (Brosson 1991) Acts 1920, as a mended by this Acts.
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WORKMEN'S COMPENSATION (BROKEN HILL) AMENDMENT BILL, 1977

EXPLANATORY NOTE

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

This Bill is cognate with the Workers' Compensation (Rates) Amendment Bill, 1977.

The objects of this Bill are-

- (a) to provide that for the first six months of his disablement the weekly rate of compensation payable in respect of a mine worker shall be equivalent to the current weekly wage rate that would have been payable in respect of the mine worker if the entitlement to compensation had arisen under the Workers' Compensation Act, 1926;
- (b) to provide for the automatic indexation, by reference to average weekly earnings, of weekly payments of compensation; and
- (c) to make other provisions of a consequential or ancillary nature.

NOREGEN COMPENSATION (PROKEN BILL)

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WORKMEN'S COMPENSATION (BROKEN HILL) AMENDMENT BILL, 1977

IR. it cuacted 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:—

SCHEDULE 1,—AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL)

No. , 1977.

A BILL FOR

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen and to provide for the indexation of certain weekly payments of compensation under that Act.

[MR F. J. WALKER-30 November, 1977.]

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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:—

- 5 1. This Act may be cited as the "Workmen's short title. Compensation (Broken Hill) Amendment Act, 1977".
 - 2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL)

ACT, 1920.

SCHEDULE 2.—Transitional and Savings Provisions.

- 3. The Workmen's Compensation (Broken Hill) Act, Amend-1920, is amended in the manner set forth in Schedule 1. ment of Act No. 36, 1920.
- 15 4. Schedule 2 has effect.

Transitional and savings provisions.

Schedules.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

(1) Paragraph 5A-

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5 After paragraph 5, insert:—

- 5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—
- (i) the mine worker were a worker as defined in the Workers' Compensation Act, 1926;
 - (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
 - (iii) the compensation were payable for incapacity for work resulting from such an injury.
- (b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

- (c) Where compensation is payable in respect of a mine worker under subparagraph (a), no com-5 pensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme. The rest of the second second
- (2) (a) Paragraph 6 (1) (a)— Omit "8.00" wherever occurring, insert instead 10
 - (b) Paragraph 6 (1) (b)— Omit "8.00", insert instead "9.50".
- (3) (a) Paragraph 6A (b) (i), (ii)— 15 Omit "44" wherever occurring, insert instead "63"
 - (b) Paragraph 6A (b) (ii)— Omit "1.50", insert instead "4.50".
- (c) Paragraph 6A (b) (iii)— Omit "17.50", insert instead "26.50". 20
 - (4) Paragraph 6c—

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After paragraph 6B, insert:

6c. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

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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
- (b) his weekly entitlement under the Workmen's Compensation 15 (Broken Hill) Act, 1920, as amended by this Act, whichever is the greater.
- 2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, are payable, 20 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 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 date.

ACT NO. 1977.

Workmen's Companyation (Broken Hill) Amendment.

SCHEDULE 1 - continued.

AMERINARYS TO THE SCHEPULL TO THE WORKMEN'S COMPLESSION (BROKEN HULL) ACT, 1920—confinited.

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such amount were required to be read and construed
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applied by this paragraph.

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Sec. 4.

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- 10 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 bears.
- (a) notwithstanding any other provision of this Act, his weekly endifferent immediately before that date, or
- 15 (b) his weekly entitlement curver the Workmen's Componential of the Holgen Fifth) Act, 1920, as amended by this Act.
- whichever is the greater.
- 2. The weekly navit and presented by the workings a compensation (Broken Hill) Act. 1920, as amended by this Act are payable 20 on and from the late of assert to this Act, in respect of all persons who immediately before that there were far receipt of or cabiled to compensation under the Warkington Compensation throken Hills Act, 1920, as well as to all persons necessarion candidate compensation turder that Act after that that

DW AUTHORITY OF WEST GOVERNMENT OF THE WALES - (197)

WORKMEN'S COMPENSATION (BROKEN HILL) AMENDMENT ACT, 1977

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

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 125, 1977.

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen and to provide for the indexation of certain weekly payments of compensation under that Act. [Assented to, 9th December, 1977.]

BE

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 "Workmen's Compensation (Broken Hill) Amendment Act, 1977".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

SCHEDULE 2.—Transitional and Savings Provisions.

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Act No. 125, 1977, manual (c) (C)

Amendment of Act No. 36, 1920. 3. The Workmen's Compensation (Broken Hill) Act, 1920, is amended in the manner set forth in Schedule 1.

Transitional and savings provisions.

4. Schedule 2 has effect.

BE

SCHEDULE 13HDS inued.

Sec. 3.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

(c) Where compensation Ac designar s(1)t of a mine worker under subparagraph (a), no com-

pensation at a west insert; After paragraph 5, insert; especial of this of the mine worker insert and the mine worker in the

- 5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—
- in the Workers' Compensation Act, 1926;
 - (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
 - (iii) the compensation were payable for incapacity for work resulting from such an injury.
- (b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

Sec. 3.

Workmen's Compensation (Broken Hill) Amendment.

SCHEDULE 1-continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

- (c) Where compensation is payable in respect of a mine worker under subparagraph (a), no compensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme.

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(3) (a) Paragraph 6A (b) (i), (ii)—

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- Omit "1.50", insert instead "4.50".
 - (c) Paragraph 6A (b) (iii) sldavin Omit "17.50", insert instead "26.50".
 - (4) Paragraph 6c—

Ils (a) After paragraph 6B, insert :— (d)

6c. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

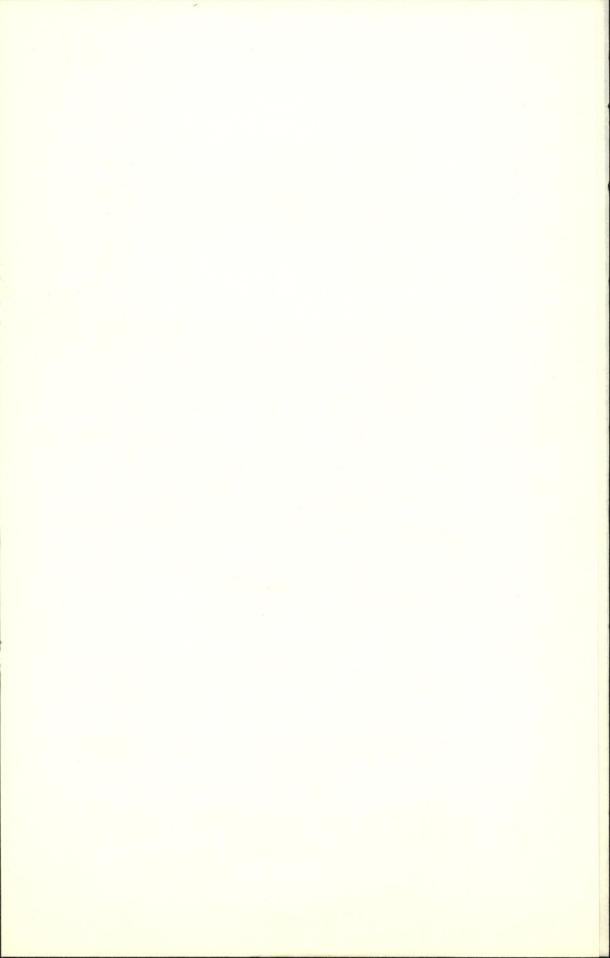
section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

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
- (b) his weekly entitlement under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, whichever is the greater.
- 2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, 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 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 date.



Workmen's Compensation (Isolog Hill) Amendment.

SCHEDULE Is commend

AMERICAN TO THE SCHOOL TO THE WORLDEN'S COMPRESS TON (BROKEN HOLD) ACT, 1920 - conditional

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- (5) So, weekly re-frience on to the Werkness's Companies of (Evolve) 19th Act, 1919, as amended by this Act.

whichever is the me. At

2. The weakly payments incombed by the Workmen's Compansalien (Broken Hill) And 1920, as amended by this Art, we payable up and from the date of assent to the Art, in respect or all persons who, immediately halors that date even to receipt of or entitled to compensation tuder the Workman's Compansation (Broken Hill) Act, 1920, as well as at all persons becomes entitled to compansation and a that Act offer that date

SCHEDULE 1-con med

AMENDMENTS TO THE SENCOLE BY THE WORKMAN'S COMPENSATION (BROKEN BOLL) ACT, 1920 - condusted

section and as if a reference in this scheme to any such amount were required to be read and constraint to accordance with subsection (2) or that section of applied by this paragraph.

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Sec. 4.

TRAVE PROMAL OF TOVERS PROVENIES

- It. Where, at the date of senses to this Act, a sorter is distilled, his weakly emillement shall on out from that date and until he first covers to be disabled after that care, by
 - but notwithstanding our other provision of the Act, his workly conference (supediately before that data are
 - (5) his weekly actitioned these the Werkman's Compensation (Purkey Hill') Act, 1920, as unresided by this Act
- 2. The weekly payments an ambeyl has the Workmen's Compensation (Broken Hill) Act 1920, as amended by this Act, the payable as and from the date of assent to the Act, in respect to all persons when immediately before that the were as receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as it all persons becoming retified to compensation and a that Act of or that date.

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

Act No. 125, 1977.

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen 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.

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 "Workmen's Compensation (Broken Hill) Amendment Act, 1977".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

SCHEDULE 2.—Transitional and Savings Provisions.

Amendment of Act No. 36, 1920. 3. The Workmen's Compensation (Broken Hill) Act, 1920, is amended in the manner set forth in Schedule 1.

Transitional and savings provisions.

4. Schedule 2 has effect.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920.

(1) Paragraph 5A—

After paragraph 5, insert :-

- 5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—
 - (i) the mine worker were a worker as defined in the Workers' Compensation Act, 1926;
 - (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
 - (iii) the compensation were payable for incapacity for work resulting from such an injury.
- (b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

- (c) Where compensation is payable in respect of a mine worker under subparagraph (a), no compensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme.
- (2) (a) Paragraph 6 (1) (a)—
 Omit "8.00" wherever occurring, insert instead "9.50".
 - (b) Paragraph 6 (1) (b)—
 Omit "8.00", insert instead "9.50".
- (3) (a) Paragraph 6A (b) (i), (ii)—
 Omit "44" wherever occurring, insert instead "63".
 - (b) Paragraph 6A (b) (ii)—
 Omit "1.50", insert instead "4.50".
 - (c) Paragraph 6A (b) (iii)—
 Omit "17.50", insert instead "26.50".
- (4) Paragraph 6c—

After paragraph 6B, insert:—

6c. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE 1—continued.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S COMPENSATION (BROKEN HILL) ACT, 1920—continued.

section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

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
- (b) his weekly entitlement under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, whichever is the greater.
- 2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, 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 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 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.

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SECTION 15

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