

WORKERS' COMPENSATION (RATES) AMENDMENT BILL, 1980

EXPLANATORY NOTE

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

The objects of this Bill are to amend the Workers' Compensation Act, 1926—

- (a) to increase from \$25,000 to \$40,000 the compensation payable on the death of a worker leaving persons who were wholly dependent on him and from \$25,000 to \$40,000 the maximum compensation payable on the death of a worker leaving persons who were partially dependent on him (Schedule 1 (1) (a));
 - (b) to increase from \$14 per week to \$20 per week the compensation payable in respect of a dependent child of a worker upon the death of the worker (Schedule 1 (1) (b));
 - (c) to increase from \$7,000 to \$11,200 the maximum compensation payable on the death of a worker under the age of 21 years who left no dependants but had made certain household contributions (Schedule 1 (1) (c));
 - (d) to provide for the automatic periodic adjustment of the amounts referred to in paragraphs (a), (b) and (c) (Schedule 1 (2)); and
 - (e) to provide for certain savings and transitional matters (Schedule 2).
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WORKERS' COMPENSATION (RATES) AMENDMENT
Bill, 1980

EXPLANATORY NOTE

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

The objects of this bill are to amend the Workers' Compensation Act, 1976—

(a) to increase from \$25,000 to \$40,000 the compensation payable on the death of a worker leaving persons who were wholly dependent on him; and from \$25,000 to \$40,000 the maximum compensation payable on the death of a worker leaving persons who were partially dependent on him (Schedule 1 (1)(a));

(b) to increase from 25 per cent to 20 per cent the compensation payable in respect of a dependent child of a worker upon the death of the worker (Schedule 1 (1)(b));

(c) to increase from \$2,000 to \$4,000 the maximum compensation payable on the death of a worker under the age of 21 years who left a dependent but had reached certain household conditions (Schedule 1 (1)(c));

(d) to provide for the automatic periodic adjustment of the amounts referred to in paragraphs (a), (b) and (c) (Schedule 1 (1)(d));

(e) to provide a certain series of transitional matters (Schedule 2).

**WORKERS' COMPENSATION (RATES)
AMENDMENT BILL, 1980**

Bill introduced by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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 (Rates) Amendment Act, 1980.

2. The Workers' Compensation Act, 1926, is referred to in this Act as the Principal Act.

3. This Act commences on the 1st day of January, 1980.

A BILL FOR

An Act to amend the Workers' Compensation Act, 1926, to increase amounts payable under that Act on the death of a worker.

[MR WALKER—25 November, 1980.]

Workers' Compensation (Rates) 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 (Rates) Amendment Act, 1980". Short
title.

2. The Workers' Compensation Act, 1926, is referred to in this Act as the Principal Act. Principal
Act.

3. This Act contains the following Schedules :— Schedules.

10 **SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.**

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
15, 1926.

5. Schedule 2 has effect. Savings and
transi-
tional
provisions.

Workers' Compensation (Rates) Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 8 (1) (a)—
Omit "\$25,000", insert instead "\$40,000".
- 5 (b) Section 8 (1) (b)—
Omit "\$14", insert instead "\$20".
- (c) Section 8 (3)—
Omit "\$7,000" wherever occurring, insert instead
"\$11,200".
- 10 (2) (a) Section 9A (1), definition of "adjustable amount"—
Omit "\$14", insert instead "\$40,000, \$20, \$11,200".
- (b) Section 9A (1), definition of "adjustable amount"—
Omit "8 (1) (b)", insert instead "8 (1) (a) or (b)
or (3)".
- 15 (c) Section 9A (1), definition of "base rate"—
Omit the definition, insert instead :—
"base rate" means—
- 20 (a) in relation to an adjustable amount
referred to in section 8 (1) (a) or (b)
or (3)—178.22; or
- (b) in relation to an adjustable amount
referred to in section 9 (1) (a) or
(b) or (c) or (4)—144.57;
- (d) Section 9A (2)—
- 25 Omit "8 (1) (b)", insert instead "8 (1) (a) or (b)
or (3)".

Workers' Compensation (Rates) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 9A (2)—

After “base rate”, insert “for that adjustable amount”.

5 (f) Section 9A (2A)—

After section 9A (2), insert :—

10 (2A) Where a reference to an adjustable amount referred to in section 8 (1) (a) or (3) as construed in accordance with subsection (2) would, but for this subsection—

(a) be expressed as including an amount in cents—that amount in cents shall be disregarded; or

15 (b) be expressed as including a whole number of dollars that is not divisible by 50 without remainder—that number of dollars shall be reckoned as the next higher whole number of dollars that is divisible by 50 without remainder.

20 (g) Section 9A (3)—

After “amount” where firstly occurring, insert “referred to in section 8 (1) (b) or 9 (1) (a), (b) or (c) or (4)”.

(h) Section 9A (4)—

25 Omit “(3)”, insert instead “, as the case may require, (2A) or (3)”.

Workers' Compensation (Rates) Amendment.

SCHEDULE 2.

Sec. 5.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. The weekly payments prescribed by section 8 (1) (b) of the Principal Act, as amended by this Act and as construed in accordance with section 9A (2) and (3) of the Principal Act, as so amended, 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 section 8 (1) (b) of that Act as well as to all persons becoming entitled to weekly payments under those provisions on or after that date.

2. The compensation prescribed by the provisions of section 8 (1) (a) or (3) of the Principal Act, as amended by this Act and as construed in accordance with section 9A (2) and (2A) of the Principal Act, as so amended, is payable in accordance with those provisions, as so amended and construed, in respect of the death of a worker which, on or after the date of assent to this Act, results from an injury whether received before, on or after that date.

3. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the date of assent to this Act shall be deemed to insure, and always to have insured, the employer against any additional liability to which he may become subject during the currency of the policy under any amendment made by this Act.

(2) Where a policy of insurance or indemnity against liability under the Principal Act—

25 (a) was in force at the date of an injury that occurred before the date of assent to this Act; and

(b) was not being maintained in force on that date of assent,

30 the policy shall be deemed always to have insured the employer against any additional liability to which he may become subject on or after that date of assent in respect of that injury by reason of any amendment made by this Act.

(3) Where, immediately before the date of assent to this Act, a person had not received, or is not receiving, compensation by reason of a death that occurred before that date, an insurer liable to pay compensation 35 on or after that date in respect of that death is liable to pay the compensation at the rates prescribed by the Principal Act, as amended by this Act.

Workers' Compensation (Rates) Amendment.

SCHEDULE 2—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(4) Where, immediately before the date of assent to this Act, a person was receiving, or entitled to receive, compensation payable by an insurer, the insurer is liable to pay any additional compensation to which that person becomes entitled by reason of any amendment made by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(20c)

**WORKERS' COMPENSATION (RATES)
AMENDMENT ACT, 1980, No. 188**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 188, 1980.

An Act to amend the Workers' Compensation Act, 1926, to increase amounts payable under that Act on the death of a worker. [Assented to, 17th December, 1980.]

Workers' Compensation (Rates) 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 (Rates) Amendment Act, 1980".

Principal
Act.

2. The Workers' Compensation Act, 1926, is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment
of Act No.
15, 1926.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Savings and
transi-
tional
provisions.

5. Schedule 2 has effect.

Workers' Compensation (Rates) Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 8 (1) (a)—
Omit "\$25,000", insert instead "\$40,000".
- (b) Section 8 (1) (b)—
Omit "\$14", insert instead "\$20".
- (c) Section 8 (3)—
Omit "\$7,000" wherever occurring, insert instead "\$11,200".
- (2) (a) Section 9A (1), definition of "adjustable amount"—
Omit "\$14", insert instead "\$40,000, \$20, \$11,200".
- (b) Section 9A (1), definition of "adjustable amount"—
Omit "8 (1) (b)", insert instead "8 (1) (a) or (b) or (3)".
- (c) Section 9A (1), definition of "base rate"—
Omit the definition, insert instead :—
"base rate" means—
(a) in relation to an adjustable amount referred to in section 8 (1) (a) or (b) or (3)—178.22; or
(b) in relation to an adjustable amount referred to in section 9 (1) (a) or (b) or (c) or (4)—144.57;
- (d) Section 9A (2)—
Omit "8 (1) (b)", insert instead "8 (1) (a) or (b) or (3)".

Workers' Compensation (Rates) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 9A (2)—

After “base rate”, insert “for that adjustable amount”.

(f) Section 9A (2A)—

After section 9A (2), insert :—

(2A) Where a reference to an adjustable amount referred to in section 8 (1) (a) or (3) as construed in accordance with subsection (2) would, but for this subsection—

- (a) be expressed as including an amount in cents—that amount in cents shall be disregarded; or
- (b) be expressed as including a whole number of dollars that is not divisible by 50 without remainder—that number of dollars shall be reckoned as the next higher whole number of dollars that is divisible by 50 without remainder.

(g) Section 9A (3)—

After “amount” where firstly occurring, insert “referred to in section 8 (1) (b) or 9 (1) (a), (b) or (c) or (4)”.

(h) Section 9A (4)—

Omit “(3)”, insert instead “, as the case may require, (2A) or (3)”.

Workers' Compensation (Rates) Amendment.

SCHEDULE 2.

Sec. 5.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. The weekly payments prescribed by section 8 (1) (b) of the Principal Act, as amended by this Act and as construed in accordance with section 9A (2) and (3) of the Principal Act, as so amended, 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 section 8 (1) (b) of that Act as well as to all persons becoming entitled to weekly payments under those provisions on or after that date.

2. The compensation prescribed by the provisions of section 8 (1) (a) or (3) of the Principal Act, as amended by this Act and as construed in accordance with section 9A (2) and (2A) of the Principal Act, as so amended, is payable in accordance with those provisions, as so amended and construed, in respect of the death of a worker which, on or after the date of assent to this Act, results from an injury whether received before, on or after that date.

3. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the date of assent to this Act shall be deemed to insure, and always to have insured, the employer against any additional liability to which he may become subject during the currency of the policy under any amendment made by this Act.

(2) Where a policy of insurance or indemnity against liability under the Principal Act—

(a) was in force at the date of an injury that occurred before the date of assent to this Act; and

(b) was not being maintained in force on that date of assent,

the policy shall be deemed always to have insured the employer against any additional liability to which he may become subject on or after that date of assent in respect of that injury by reason of any amendment made by this Act.

(3) Where, immediately before the date of assent to this Act, a person had not received, or is not receiving, compensation by reason of a death that occurred before that date, an insurer liable to pay compensation on or after that date in respect of that death is liable to pay the compensation at the rates prescribed by the Principal Act, as amended by this Act.

Workers' Compensation (Rates) Amendment.

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

(4) Where, immediately before the date of assent to this Act, a person was receiving, or entitled to receive, compensation payable by an insurer, the insurer is liable to pay any additional compensation to which that person becomes entitled by reason of any amendment made by this Act.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th December, 1980.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981



