

WORKMEN'S COMPENSATION
(BROKEN HILL) (AMEND-
MENT) ACT.

Act No. 22, 1927.

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An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920 ; to continue its operation beyond 30th September, 1928 ; to provide compensation for the group of persons known as the Broken Hill " Hard Luck " cases ; to provide for the promulgation of a scheme to procure the payment of compensation to certain workmen who suffer death or disablement, or are suspended from employment in the Broken Hill mines, owing to pneumoconiosis or tuberculosis ; and for purposes connected therewith. [Assented to, 1st March, 1927.]

BE it enacted by the King'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, 1927," and shall be construed with the Workmen's Compensation (Broken Hill) Act, 1920.

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2. (1) Section five of the Workmen's Compensation (Broken Hill) Act, 1920, is amended by omitting the words "until the thirtieth day of September, one thousand nine hundred and twenty-eight, and no longer" and by inserting in lieu thereof the words "until Parliament otherwise provides."

Amendment
of Act No. 36,
1920, s. 5.

(2) Section six of the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

Sec. 6.

- (a) by omitting the words "mine workers and dependants" and inserting the words "any person";
- (b) by inserting after the words "to workmen" the words "or workers."

3. (1) The Workmen's Compensation (Broken Hill) Act, 1920, is further amended—

Further
amendment
of Act No. 36,
1920.

- (a) by inserting next after section seven the following new section:—

New s. 8.

8. (1) The medical authority, for the purposes of this Act and the schemes under this Act, shall be a medical board consisting of three legally qualified medical practitioners who shall be appointed by the Governor, one of whom shall be appointed chairman, another of whom shall be nominated by the mine-owners, and another by their mine-workers as defined in the scheme in the Schedule to this Act and mine employees. The nominations shall be in such form as is directed by the Governor and notified in the Gazette.

Medical
authority.

(2) The chairman of the medical authority shall exercise the power of the authority in respect of re-examinations under the schemes under this Act.

(3) A certificate affecting the compensation of any person shall be issued only after consideration of the case has been given by the medical authority at a meeting at which all members are present.

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(4) The medical authority shall, at such times as the Minister directs, medically examine any person employed in the Broken Hill mines as defined in the said scheme and notify to the joint committee as defined in the said scheme and the mine-worker or mine employee concerned the result of the examination.

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- (b) (i) by omitting from paragraph two of Part One of the scheme in the Schedule the definition of "Medical authority";
- (ii) by omitting from subparagraphs (a) and (b) of paragraph six of the said scheme the figure "2" and inserting in lieu thereof the figure "3";
- (iii) by inserting in subparagraph (a) immediately before the proviso paragraph the following words and figures: "one dependent house-keeper for widower with dependent family under 14 years £1 0 0";
- (iv) by omitting from subparagraph (h) of the same paragraph the figure "3" and by inserting in lieu thereof the figure "4";
- (v) by inserting next after subparagraph (h) of the same paragraph the following new subparagraph:—
 - (i) Any mine-worker shall be entitled to compensation in respect of his dependent wife and children under 14 years of age notwithstanding that his marriage to such wife, or the birth of such child or children, has taken place after he has secured an award of compensation from the joint committee.
- (vi) by inserting at the end of the same paragraph six the following words:—

Provided that in no case shall the total weekly payment to be made under this scheme exceed the sum of five pounds per week.

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- (vii) by omitting paragraph thirty-nine and by inserting in lieu thereof the following paragraph:—

Medical
benefits.

39. (a) The compensation payable to a mine-worker under this scheme shall also include the cost of such medical, surgical, and hospital treatment as may, in the opinion of the joint committee, and on the recommendation of the medical authority, reasonably be required to relieve such mine-worker from the effects of pneumoconiosis and(or) tuberculosis.

(b) The treatment shall include nursing, medicines, medical and surgical supplies, and other curative apparatus, and the cost of such treatment shall be limited to fifty pounds, unless the joint committee, on the recommendation of the medical authority, otherwise directs.

The maximum payment under this paragraph shall in no case exceed the sum of one hundred and twenty-five pounds.

(c) The fees and charges for the treatment shall be limited to such charges as prevail in the same community for similar treatment of persons suffering from pneumoconiosis and(or) tuberculosis.

(d) The joint committee, on the recommendation of the medical authority, may if it thinks fit direct a change of doctor or treatment when in its judgment a change is desirable or necessary.

- (viii) by inserting next after subparagraph (d) of paragraph forty-nine the following new subparagraph:—

(e) to make full and complete disclosure to the joint committee of any earnings or income which he has received or is entitled to in such manner and at such times as the joint committee may by notice in writing in any particular case direct.

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(2) The amendments made by paragraph (b) of this section shall be deemed to extend to and from the commencement of this Act apply in respect of all persons in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to persons becoming entitled to compensation after such commencement.

Further
amendment
of Act No. 36,
1920.

4. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by inserting next after section eight the following new section:—

New s. 9.
Extension
scheme.

9. (1) Subject to this section the scheme contained in the Schedule to this Act shall be deemed from the commencement of the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, to extend to any person in this Act referred to as a mine employee who is not a mine-worker as defined in the said scheme, and whose name was at any time after the thirty-first day of December, one thousand nine hundred and twenty, on the pay-sheet or who was at any time after that date in the employ of any of the metalliferous mines situated within the county of Yancowinna, or who at any time after the said commencement is on any such pay-sheet or is so employed, and who is certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis reasonably attributable to his employment in any such mine so situated, and who by reason of such disability has ceased or ceases to be so employed.

(2) The cost of administration of the scheme as extended by this section, and all fees and charges incurred by the joint committee or the medical authority in relation thereto, shall be paid by the joint committee out of the fund established by the said scheme.

(3) Save as provided in subsection two of this section, Part III of the scheme shall not apply in respect of a mine employee.

(4) Any compensation awarded by the joint committee to a mine employee, and the cost of his medical, surgical, and hospital treatment may be sued for and recovered as a debt by the mine employee

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employee against and from the owner of the mine at which the mine employee was last employed prior to the issue of the certificate by the medical authority under the provisions of Part II of the scheme.

(5) Any owner from whom compensation or cost of medical, surgical, and hospital treatment is recoverable under this section shall be entitled to contribution towards such compensation from any other owner who during the period of ten years preceding the date of the issue of the certificate by the medical authority employed the mine employee to whom compensation is payable upon a basis agreed upon by the owners and notified to the Minister; and unless and until such agreement is so notified the rate of such contribution shall be proportionate to the number of shifts the mine employee was employed by each such owner during the said period.

(6) An owner shall be liable to contribute under subsection five of this section in respect of the employment of any such mine employee by any predecessor in title in or upon the mine of which such owner is the proprietor, lessee, or occupier.

(7) Any such contributions may be sued for and recovered in any court of competent jurisdiction.

(8) In this section "owner" includes the holder for the time being of any estate, right, title or interest in or to a metalliferous mine situated within the county of Yancowinna.

5. The Workmen's Compensation (Broken Hill) Act, 1920, is further amended by inserting next after section nine the following new section :—

Further
amendment
of Act No. 36,
1920.

10. (1) Subject to this section, the scheme contained in the Schedule to this Act shall be deemed from the commencement of the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, to extend to—

New s. 10.
Hard Luck
cases.

- (a) any person who is certified by the Workers' Compensation Commission to have been on the first day of January, one thousand nine hundred

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hundred and twenty-seven, included in the list of "Hard Luck" cases eligible for payment of the "Hard Luck" allowance ;

- (b) any person who was employed in a Broken Hill mine prior to the first day of January, one thousand nine hundred and twenty-one, and is certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis, which is reasonably attributable to his employment in a Broken Hill mine, and who for that reason ceases or has ceased to be so employed.

(2) The total payments to be made from the fund in any one year to persons to whom the scheme is extended by this section, shall not exceed four thousand pounds.

(3) In making awards of compensation in cases to which the scheme is extended by this section the joint committee shall take into account and have regard to—

- (a) any old age, invalid, military, or other pension or allowance received by the applicant ;
- (b) any earnings of the applicant or contribution to the upkeep of his home by members of his family ; and
- (c) any profits derived from any trade, business, undertaking or calling carried on by the applicant or in which he is interested.

And the joint committee may abate the rates of compensation payable under the scheme accordingly.

POLICE