

WORKERS' COMPENSATION (AMENDMENT) ACT.

Act No. 32, 1927.

George V, An Act to amend the Workers' Compensation
No. 32. Act, 1926; and for purposes connected
therewith. [Assented to, 15th March, 1927.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

Citation and
construction.

1. (1) This Act may be cited as the "Workers'
Compensation (Amendment) Act, 1927," and shall be
construed with the Workers' Compensation Act, 1926,
in this Act referred to as the Principal Act.

(2) The Principal Act as amended by this Act
may be cited as the Workers' Compensation Act, 1926-
1927.

Amendment of
Act No. 15, 1926,
s. 6 (1) (3) (a) (5)
(7) (10).

2. Section six of the Principal Act is amended as
follows:—

("Worker.")

(a) by inserting at the end of the definition of
"worker" the following words:—"or

(c) an officer of a Friendly Society whose
remuneration from such Friendly
Society does not exceed one hundred
and ten pounds per year; or

(f) an officer of a religious or other
voluntary association who is employed
upon duties for the association outside
his ordinary working hours, so far as
the

the employment upon such duties is concerned, provided his remuneration from the association does not exceed one hundred and ten pounds per year." George V,
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- (b) by inserting in paragraph (a) of subsection three after the word "threshing" the word "chaff-cutting"; (Contracting,
sub-
contracting.)
- (c) by omitting from paragraph (a) of subsection five the words "or, though employing workers actually performs any part of the work himself, the contractor and any worker so employed shall for the purposes of this Act be deemed to be workers employed by the principal" and by inserting in lieu thereof the words "and actually performs parts of the work himself, the contractor shall, for the purposes of this Act, be deemed to be a worker employed by the principal"; (Rural work.)
- (d) by omitting from subsection seven the words "and every worker, whether a member of the share-farmer's family or not, employed by any share-farmer"; (Share-
farmers.)
- (e) by inserting at the end of subsection ten the following words:—

"This subsection shall not apply in the case of a racing club or association having its headquarters in a town with a population not exceeding three thousand persons where the race meetings are held within a radius of five miles of such town and the profits derived from the racing club or association's operations are applied to charitable purposes."

(Jockey.)

3. Section ten of the Principal Act is amended—

- (a) by the omission of subsections three and four and inserting in lieu thereof the following subsections:—

(3) The worker shall notify the employer without undue delay that he has obtained treatment, and the cost of such treatment to the employer shall be limited to fifty pounds unless the Commission otherwise directs. Further
amendment
of Act No. 15,
1926, s. 10
(3) (4).
(Medical
benefits.)

(4)

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(4) If the worker obtains medical treatment for himself the employer shall be entitled to have the worker examined by a medical man selected by the employer in consultation with the worker's medical attendant.

(b) by inserting at the end thereof the following new subsections:—

Public
hospital
treatment.

(7) The treasurer of any public hospital or infirmary which is in part supported by grants from the public revenue or when the hospital or infirmary is wholly so supported any officer appointed by the Minister for Health may recover from the employer the cost of any hospital treatment provided for his injured worker in any case where the employer has been notified in the manner and within the time prescribed by the regulations of the fact that the worker has received or is receiving such treatment at the hospital.

(8) If the employer pays the cost of any treatment referred to in this section to the person or institution supplying the treatment, the worker shall not be entitled to be paid anything in respect thereof.

Further
amendment
of Act No. 15,
1926, s. 20.
(Deposit.)
New ss. (2).

4. Section twenty of the Principal Act is amended by inserting at the end thereof the following new subsection:—

(2) No deposit shall be payable in the case of any such employer who is a Government department, or any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government of the State or municipal or shire council, if the Commission certifies that such deposit is not necessary.

Ibid.

New s. 53A.
Default order
or award for
payment of
compensation.

5. The Principal Act is further amended by inserting next after section fifty-three the following new section:—

53A. (1) Where a written claim for compensation has been served either personally or by registered post upon an employer of more than twenty workers in any industry, or upon his agent or manager, in respect of an injury received by a worker, such employer

employer shall, in the event of his refusal to pay compensation, give notice to the worker in writing of such refusal within fourteen days after the receipt of the claim: such notice shall be served either personally or by post in a registered letter directed to the address given by the worker in the notice of claim.

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(2) Any such notice shall state the reason for such refusal.

(3) In any case where any such employer omits within the time prescribed to so notify his refusal to pay compensation to a worker, his liability to pay compensation under the Act shall be taken to be admitted, and the Commission shall, upon application made by the worker concerned and without further notice to the employer, make such order or award to which the worker is entitled.

(4) The failure to give notice as aforesaid of any such refusal to pay compensation shall not be a bar to contesting proceedings brought for the enforcement of the order or award if it is found by the Commission that the failure was occasioned by mistake, absence from the State, or other reasonable cause.

(5) If the employer against whom any such order or award as aforesaid has been made alleges within six months after the making of such order or award that he had at the time of the making of the order or award, and still has, a substantial ground of defence on the merits (either wholly or in part), then after due notice being given to the worker concerned, and security being entered into for the payment to the worker of all costs by him sustained, the Commission may cause the merits so alleged to be inquired into, and may rescind, alter, or amend the order or award previously made as it deems fit.

cf. C.L.P.
Act, 1899,
s. 203.

(6) All costs and expenses reasonably incurred by the worker consequent upon a notice of refusal to pay compensation having been given, shall be awarded to the worker if the Commission finds that such notice was given without substantial reason therefor.

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Further
amendment
of Act No. 15,
1926, s. 57 (2).
(Payment
out of
compensa-
tion.)

6. The Principal Act is further amended by inserting at the end of subsection two of section fifty-seven the following words:—

“Where a widow under no disability is the only person entitled thereto, the compensation shall be paid out to her in one or more lump sums determined by the Commission, unless the Commission after due inquiry is of opinion that any such payment would not be for her benefit.”