

WORKMEN'S COMPENSATION  
(BROKEN HILL) AMENDMENT  
ACT.

Act No. 55, 1934.

An Act to provide for compensation for certain persons under the Workmen's Compensation (Broken Hill) Act, 1920-1929; to amend that Act in certain respects; to validate certain determinations made by the joint committee and certain payments; and for purposes connected therewith. [Assented to, 28th December, 1934.]

George V,  
No. 55, 1934.

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:—

**1.** (1) This Act may be cited as the "Workmen's Compensation (Broken Hill) Amendment Act, 1934," and shall be read with the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1934.

(3) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** (1) All persons who prior to the commencement of validation of this Act have been determined by the joint committee to be mine workers or mine employees or "hard luck" cases within

within the meaning of subsection one of section ten of the Principal Act, shall be deemed to have been and to be such for the purposes of the Principal Act and subject to section three of this Act all such persons or their dependents shall respectively be deemed to have been entitled to such payments of compensation as have been made to them in pursuance of any decision, order or award made by the joint committee.

Such persons or their dependents who are beneficiaries at the commencement of this Act shall notwithstanding the provisions of the Principal Act be deemed to be entitled to continue to receive compensation in accordance with any award or variation thereof made or that may be made by the joint committee until such time as their compensation payments are terminated by the joint committee in accordance with the provisions of the Principal Act.

(2) The persons named in the list of twenty-nine cases filed by the joint committee with the Workers' Compensation Commission and whose compensation payments were terminated by the joint committee shall be deemed to have been entitled to such payments as have been made to them by or through the joint committee and shall be deemed to be entitled to continue to receive compensation in accordance with any award or variation thereof made or that may be made by the joint committee until such time as their compensation payments are terminated by the joint committee in accordance with the provisions of the Principal Act.

The mine owners and the Government of New South Wales shall continue to make contributions to the fund to meet the cost of such compensation payments as if such payments were made in all respects in accordance with the provisions of the Principal Act.

(3) Any payments made and any contributions made to the fund to or in respect of any persons referred to in subsection one or subsection two of this section prior to the commencement of this Act shall be deemed to have been made in accordance with the provisions of the Principal Act.

**3.** Where any person has been paid compensation in excess of the amount to which he was entitled or compensation to which he was not entitled under the Principal Act, and in the opinion of the joint committee such overpayments were made as a result of fraud, misrepresentation or non-disclosure of material facts relating to or upon which such compensation was based, the joint committee may from time to time, notwithstanding the provisions of this Act or the Principal Act, deduct from any compensation due to or in respect of such person such sums as are in its opinion necessary to enable the overpayments to be adjusted:

Deductions  
in certain  
cases.

Provided that in no case shall a deduction be made which will reduce the amount of compensation to be received by the beneficiary to less than two-thirds of the amount which would but for the provisions of this section be payable.

**4.** (1) The Governor upon the recommendation of the joint committee may by notification published in the Gazette declare that this Act shall not apply in respect of any person or persons named in the notification.

Application  
of Act in  
particular  
cases.

On the publication of any such notification the rights and obligations, if any, arising under the Principal Act of the person or persons named in the notification shall be regarded as not having been affected by the provisions of this Act and shall be the same as if this Act had not been passed.

(2) Any notification published pursuant to subsection one of this section may be revoked upon the like recommendation and in the like manner.

(3) Any notification published pursuant to subsection one of this section together with a statement by the joint committee of the grounds upon which its recommendation was made shall be laid before both Houses of Parliament within fourteen sitting days of the publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the notification has been laid before such

**Workmen's Compensation (Broken Hill)  
Amendment Act.**

such House disallowing the notification in respect of any person named therein the notification shall cease to have effect in respect of that person and this Act shall apply in respect of him as from a date specified in the resolution.

*Amendment of  
Act No. 86,  
1920.*

*Schedule,  
Part I,  
par. 2.  
(Mine  
worker.)*

**5. The Principal Act is amended—**

(a) by omitting from paragraph two of Part I of the Schedule the definition of "Mine worker," and by inserting in lieu thereof the following new definition:—

"Mine worker" means any person whose name was on the pay sheet or who was in the employ of any of the Broken Hill mines on the first day of May, one thousand nine hundred and nineteen, and—

(a) who registered for employment between the eleventh and the twenty-fifth day of November, one thousand nine hundred and twenty, inclusive; or  
 (b) who offered himself for re-engagement within three months after the passing of this Act;

and includes any person certified by the Technical Commission of Inquiry of the New South Wales Board of Trade as the result of medical examination made by the Technical Commission prior to the first day of November, one thousand nine hundred and twenty, to be suffering from pneumoconiosis and/or tuberculosis.

*Schedule,  
Part II,  
par. 10.*

(b) (i) by inserting in Part II of the Schedule at the commencement of paragraph ten the words "Except as hereinafter provided in this paragraph";  
 (ii) by inserting at the end of the same paragraph the following words:—

"If compensation is paid in excess of the proper amount or compensation is paid to which the person receiving the same is not entitled

entitled, the joint committee may from time to time deduct from any compensation due to such person who received such payment or his dependents, such sums as are in its opinion necessary to enable the overpayments to be adjusted:

Provided that in no case shall a deduction be made which will reduce the amount of compensation to be received by any person to less than two-thirds of the amount which would but for the provisions of this paragraph be payable."

(c) (i) by omitting from paragraph twenty-eight of Part III of the Schedule the words "a public accountant" and by inserting in lieu thereof the words "the Auditor-General";

(ii) by omitting from the same paragraph the word "auditor" and by inserting in lieu thereof the words "Auditor-General";

(iii) by inserting at the end of the same paragraph the following words:—

"The Auditor-General shall have in respect of the accounts of the joint committee all the powers conferred on him by any law now or hereafter to be in force relating to the audit of public accounts and the Audit Act, 1902, and Acts amending the same shall apply to the joint committee and its officers in the same manner as it applies to accounting officers of public departments.

Towards defraying the cost and expenses of such audit the joint committee shall pay to the Consolidated Revenue Fund such sums at such periods as the Colonial Treasurer may direct."